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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2015–1484; Special Conditions No. 25–617–SC]

Special Conditions: Gulfstream Aerospace Corporation Model GVII–G500 Airplanes, Design Roll Maneuver Requirement

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Gulfstream Aerospace Corporation (Gulfstream) Model GVII–G500 airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is electronic flight controls that affect maneuvering. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Gulfstream Aerospace Corporation on April 21, 2016. We must receive your comments by June 6, 2016.

ADDRESSES: Send comments identified by docket number FAA–2015–1484 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC, 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov/.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Walt Sippel, FAA, Airframe and Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–2774; facsimile 425–227–1320.

SUPPLEMENTARY INFORMATION The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions is impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected airplane.

In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon publication in the **Federal Register**.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On March 29, 2012, Gulfstream Aerospace Corporation applied for a type certificate for their new Model GVII–G500 series airplane. The Model GVII–G500 series airplane will be a business jet capable of accommodating up to 19 passengers. It will incorporate a low, swept-wing design with winglets and a T-tail. The powerplant will consist of two aft-fuselage-mounted Pratt & Whitney turbofan engines.

Type Certification Basis

Under Title 14, Code of Federal Regulations (14 CFR) 21.17, Gulfstream must show that the Model GVII–G500 series airplane meets the applicable provisions of 14 CFR part 25, as amended by Amendments 25–1 through 25–129.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model GVII–G500 series airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, Model GVII–G500 series airplanes must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36. The FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the "Noise Control Act of 1972."

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Model GVII–G500 series airplane will incorporate the following novel or unusual design feature: An electronic flight-control system that provides control of the airplane through pilot inputs to the flight computer.

Current 14 CFR part 25 airworthiness regulations account for control laws for which aileron deflection is proportional to control-stick deflection. The regulations do not address nonlinearities or other effects on aileron actuation that electronic flight controls may cause. Because this type of system may affect flight loads, and therefore the structural capability of the airplane, specific regulations are needed to address these effects.

Discussion

The current design roll maneuver requirement for structural loads in 14 CFR part 25 is inadequate for addressing airplanes with electronic flight controls that affect maneuvering. These special conditions adjust the current roll maneuver requirement, § 25.349(a), to take into account the effects of an electronic flight control system.

These special conditions differ from current requirements in that they require roll maneuvers to result from defined movements of the flightdeck roll control, as opposed to defined aileron deflections. Also, the special conditions require an additional load condition at V_A, in which the flightdeck roll control is returned to neutral following the initial roll input.

These special conditions are limited to the roll axis only. Special conditions are no longer needed for the yaw axis because § 25.351 was revised at Amendment 25–91 to account for the effects of an electronic flight-control system.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Gulfstream Model GVII–G500 airplane. Should Gulfstream apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on one model series of airplanes. It is not a rule of general applicability.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, because a delay would significantly affect the certification of the airplane, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon publication in the **Federal Register**.

The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Gulfstream Model GVII–G500 airplanes.

The following conditions, speeds, and flightdeck roll control motions (except as the motions may be limited by pilot effort) must be considered in combination with an airplane load factor of zero and of two-thirds of the positive maneuvering factor used in design. In determining the resulting control surface deflections, the torsional flexibility of the wing must be considered in accordance with § 25.301(b):

1. Conditions corresponding to steady rolling velocities must be investigated. In addition, conditions corresponding to maximum angular acceleration must be investigated for airplanes with engines or other weight concentrations outboard of the fuselage. For the angular acceleration conditions, zero rolling velocity may be assumed in the absence of a rational time history investigation of the maneuver.

2. At V_A, sudden movement of the flightdeck roll control up to the limit is assumed. The position of the flightdeck roll control must be maintained until a steady roll rate is achieved and then must be returned suddenly to the neutral position.

3. At V_C, the flightdeck roll control must be moved suddenly and maintained so as to achieve a roll rate not less than that obtained in special condition 2.

4. At V_D, the flightdeck roll control must be moved suddenly and maintained so as to achieve a roll rate not less than one-third of that obtained in special condition 2.

Issued in Renton, Washington, on April 14, 2016.

Victor Wicklund,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–09326 Filed 4–20–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2016–0209]

RIN 1625–AA08

Special Local Regulation; Wy-Hi Rowing Regatta; Detroit River, Trenton Channel; Wyandotte, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation controlling movement of vessels for certain waters of the Detroit River, Trenton Channel. This action is necessary and is intended to ensure safety of life on navigable waters to be used for a rowing event immediately prior to, during, and immediately after this event. This regulation requires vessels to maintain a minimum speed for safe navigation and maneuvering.

DATES: This temporary final rule is effective from 7:30 a.m. until 4:30 p.m. on May 7, 2016. For the purposes of enforcement, actual notice will be used on May 7, 2016.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type USCG–2016–0209 in the "SEARCH" box and click

"SEARCH." Click on Open Docket Folder on the line associated with this rule. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary final rule, call or email Petty Officer Todd Manow, Prevention Department, Sector Detroit, Coast Guard; telephone 313–568–9564, email *Todd.M.Manow@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

COTP	Captain of the Port
DHS	Department of Homeland Security
E.O.	Executive Order
NAD 83	North American Datum of 1983
NPRM	Notice of Proposed Rulemaking

II. Background History and Regulatory Information

On May 7, 2016, the Wyandotte Boat Club is holding a rowing regatta in which at least 150 youth rowers will participate in a race in the Trenton Channel, a tributary of the Detroit River. Due to the projected amount of human-powered watercraft on the water, there is a need to require vessels in the affected waterways to maintain a minimum speed for safe navigation. The rowing regatta will occur between 7:30 a.m. and 4:30 p.m. on May 7, 2016. This event has taken place under the same sponsorship in the same location annually for the past 10 years.

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency, for good cause, finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. The final details of this event were not known to the Coast Guard until there was insufficient time remaining before the event to publish an NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be impracticable because it would inhibit the Coast Guard's ability to protect participants, spectators, and other waterway users during this youth rowing regatta.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed in the preceding paragraph, waiting for a 30 day notice period to run would be impracticable.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231, 33 CFR 1.05–1 and 160.5; and Department of Homeland Security Delegation No. 0170.1. Having reviewed the application for a marine event submitted by the sponsor, the Captain of the Port Detroit (COTP) has determined that the likely combination of recreation vessels, commercial vessels, and an unknown number of spectators in close proximity to a youth rowing regatta along the water pose extra and unusual hazards to public safety and property. Therefore, the COTP is establishing a Special Local Regulation around the event location to help minimize risks to safety of life and property during this event.

IV. Discussion of Rule

This rule establishes a temporary special local regulation from 7:30 a.m. until 4:30 p.m. on May 7, 2016. In light of the aforementioned hazards, the COTP has determined that a special local regulation is necessary to protect spectators, vessels, and participants. The special local regulation will encompass the following waterway: All waters of the Detroit River, Trenton Channel between the following two lines going from bank-to-bank: The first line is drawn directly across the channel from position 42°11.0′ N., 083°09.4′ W. (NAD 83); the second line, to the north, is drawn directly across the channel from position 42°11.7′ N., 083°8.9′ W. (NAD 83).

An on-scene representative of the COTP or event sponsor representatives may permit vessels to transit the area when no race activity is occurring. The on-scene representative may be present on any Coast Guard, state or local law enforcement vessel assigned to patrol the event. Vessel operators desiring to transit through the regulated area must contact the Coast Guard Patrol Commander to obtain permission to do so. The COTP or his designated on-scene representative may be contacted via VHF Channel 16.

The COTP or his designated on-scene representative will notify the public of the enforcement of this rule by all appropriate means, including a Broadcast Notice to Mariners and Local Notice to Mariners.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes or executive orders.

A. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of E.O. 12866, Regulatory Planning and Review, as supplemented by E.O. 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of E.O. 13563. The Office of Management and Budget has not reviewed it under those Orders.

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues.

The Coast Guard's use of this special local regulation will be of relatively small size and only nine hours in duration, and it is designed to minimize the impact on navigation. Moreover, vessels may transit through the area affected by this special local regulation at a minimum speed for safe navigation. Overall, the Coast Guard expects minimal impact to vessel movement from the enforcement of this special local regulation.

B. Impact on Small Entities

As per the Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, we have considered the potential impact of regulations on small entities during rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in this portion of the Detroit River, Trenton Channel in the vicinity of Wyandotte, MI between 7:30 a.m. and 4:30 p.m. on May 7, 2016.

This special local regulation will not have a significant economic impact on a substantial number of small entities for the reasons cited in the *Regulatory*

Planning and Review section. Additionally, before the enforcement of the regulation, Coast Guard Sector Detroit will issue a local Broadcast Notice to Mariners so vessel owners and operators can plan accordingly.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them. If this rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against entities that question or complain about this rule or any policy or action of the Coast Guard.

D. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

E. Federalism

A rule has implications for federalism under E.O. 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

F. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

G. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

H. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

I. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

J. Protection of Children

We have analyzed this rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

K. Indian Tribal Governments

This rule does not have tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

L. Energy Effects

This action is not a "significant energy action" under E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

M. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

N. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a special local regulation and is therefore categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add § 100.35T09–0209 to read as follows:

§ 100.35T09–0209 Special Local Regulation; Wy-Hi Rowing Regatta; Detroit River, Trenton Channel; Wyandotte, MI.

(a) *Regulated area.* A regulated area is established to encompass the following waterway: All waters of the Detroit River, Trenton Channel between the following two lines going from bank-to-bank: The first line is drawn directly across the channel from position 42°11.0′ N., 083°9.4′ W. (NAD 83); the second line, to the north, is drawn directly across the channel from position 42°11.7′ N., 083°8.9′ W. (NAD 83).

(b) Enforcement period. This section is will be enforced from 7:30 a.m. until 4:30 p.m. on May 7, 2016.

(c) Regulations. (1) Vessels transiting through the regulated area are to maintain the minimum speeds for safe navigation.

(2) Vessel operators desiring to operate in the regulated area must contact the Coast Guard Patrol Commander to obtain permission to do so. The Captain of the Port Detroit

(COTP) or his on-scene representative may be contacted via VHF Channel 16 or at 313–568–9560. Vessel operators given permission to operate within the regulated area must comply with all directions given to them by the COTP or his on-scene representative.

(3) The "on-scene representative" of the COTP is any Coast Guard commissioned, warrant or petty officer or a Federal, State, or local law enforcement officer designated by or assisting the COTP to act on his behalf.

Dated: March 25, 2016.

Scott B. Lemasters,

Captain, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 2016–09275 Filed 4–20–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[USCG–2016–0264]

Special Local Regulation, Newport to Bermuda Regatta, Narragansett Bay, Newport, RI

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Special Local Regulation for the biennial Newport to Bermuda Regatta, Narragansett Bay, Rhode Island, from 12 p.m. to 7:30 p.m. on Friday, June 17, 2016. This action is necessary to ensure the safety of all participants and spectators from the inherent dangers associated with these types of races, which include numerous large, fast sailing vessels and hundreds of spectator vessels. During the enforcement period, no person or vessel may enter or remain in the regulated area except for participants in the event, supporting personnel, vessels registered with the event organizer, and personnel or vessels authorized by the Coast Guard on-scene patrol commander.

DATES: The regulation in 33 CFR 100.119 will be enforced from 12 p.m. to 7:30 p.m. on June 17, 2016.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Mr. Edward LeBlanc, Waterways Management, Sector Southeastern New England, (401) 435–2351, email *edward.g.leblanc@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulation for the biennial Newport/Bermuda Regatta, Narragansett Bay, Newport, RI, from 12 p.m. to 7:30 p.m. on Friday, June 17, 2016. A portion of the navigable waters the East Passage, Narragansett Bay, Newport, RI or its approaches will be closed during the effective period to all vessel traffic, except local, state or Coast Guard patrol craft. The full text of this regulation is found in 33 CFR 100.119. This notice of enforcement is issued under authority of 33 CFR 165.119 and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement periods via the Local Notice to Mariners and Broadcast Notice to Mariners.

Dated: March 30, 2016.

R.J. Schultz,

Captain, U.S. Coast Guard, Acting Captain of the Port, Southeastern New England.

[FR Doc. 2016–09276 Filed 4–20–16; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2016–0132; FRL–9945–09–Region 6]

Approval and Promulgation of Implementation Plans; State of Louisiana; Revisions to the State Implementation Plan; Fee Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking a direct final action to approve revisions to the Louisiana State Implementation Plan (SIP) related to the Fee Regulations section of the Louisiana SIP that were submitted by the State of Louisiana on February 23, 2016. The EPA has evaluated the SIP submittal from Louisiana and determined these revisions are consistent with the requirements of the Clean Air Act (Act or CAA). The EPA is approving this action under section 110 of the Act.

DATES: This rule is effective on June 20, 2016 without further notice, unless the EPA receives relevant adverse comment by May 23, 2016. If the EPA receives such comment, the EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2016–0132, at *http://www.regulations.gov* or via email to *donaldson.tracie@epa.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact Tracie Donaldson, 214–665–6633, *donaldson.tracie@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.*, copyrighted material), and some may not be publicly available at either location (*e.g.*, CBI).

FOR FURTHER INFORMATION CONTACT: Tracie Donaldson, 214–665–6633, *donaldson.tracie@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Tracie Donaldson or Bill Deese at 214–665–7253.

SUPPLEMENTARY INFORMATION: Throughout this document "we," "us," and "our" means the EPA.

I. Background

A. CAA and SIPs

Section 110 of the CAA requires States to develop and submit to the EPA a SIP to ensure that State air quality meets National Ambient Air Quality Standards. These ambient standards currently address six criteria pollutants: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide. Each federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin through air pollution regulations and control strategies. The EPA approved SIP regulations and control strategies are federally enforceable.

B. SIP Revision Submitted on February 23, 2016

The EPA first approved the Louisiana fee regulations into the Louisiana SIP on March 8, 1989. *See* 54 FR 09795. Since that date, the Louisiana fee regulations have been revised numerous times, but the SIP itself has not been updated. In order to address the gap between the SIP-approved fee regulations and the existing State fee regulations, the Louisiana Department of Environment Quality (LDEQ) submitted a revision to the Louisiana SIP in a letter dated February 23, 2016 that included regulations revised from 9/20/1988 through 4/20/2011; this submittal replaces the current SIP-approved permit fee program provisions found in Chapters 2 and 65 and replaces them with the current provisions included in the submittal for Chapter 2 which relate to the State's air program. In particular, the LDEQ submitted revisions for the inclusion of Louisiana Administrative Code (LAC) 33:III Sections 201–221 into the Louisiana SIP, with the exception of LAC 33:III.211(B)(15) which applies solely to fees for title V permitting. The submitted sections provide the state's authority to assess, collect and enforce the permitting fee program.

II. The EPA's Evaluation

As detailed in the Technical Support Document (TSD) accompanying this action, the LDEQ submitted a proposed SIP revision to the title I fee regulations requesting a repeal of the current SIP-approved permit fee program and replacement with the submitted proposed revisions for revised fee regulations containing a new fee schedule and associated provisions specific to the State's air program. Sections 201 through 221 of Chapter 2 establish the state's authority to assess, collect and enforce a fee permitting program to adequately fund air pollution permitting activities in Louisiana. The EPA has reviewed the submitted revisions and determined that the submitted revised fee program is consistent with the general requirements at CAA section 110(a)(2)(E)(i) to provide necessary assurances that the State will have adequate funding to carry out the provisions of the Louisiana SIP as it pertains to major and minor source Title I permitting, and with CAA section 110(a)(2)(L) that requires states to charge necessary fees for the development and implementation of major source Title I permits. The proposed revisions included in the February 23, 2016, SIP submittal more accurately represent the current fee structure than the previously approved SIP, which was approved by the EPA on March 8, 1989. Based on our evaluation of the fee assessment provisions submitted, we find the submitted repeal of Chapters 2 and 65 and replacement with Chapter 2 sections 201 through 221 [with the exception of LAC 33:III.211(B)(15)] establishing fee requirements for permits is consistent with sections 110(a)(2)(E)(i) and 110(a)(2)(L) of the CAA.

Under section 110(l) of the CAA, the EPA can only approve a revision to an implementation plan after it has been adopted by a State after reasonable notice and public hearing. The proposed SIP revision was published in the Louisiana Register on December 20, 2015. No request was made for a public hearing and no adverse comments were received by LDEQ. We find that the submitted revision satisfies the public notice requirements under section 110(l). Further under section 110(l), the EPA cannot approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment, maintenance and reasonable further progress. The LDEQ has submitted a repeal of the existing SIP-approved fee regulations that include a specific fee schedule with detailed dollar amounts for specified permitting activities. In place of the repealed regulations, the LDEQ has submitted regulations that enable the state to assess and collect fees sufficient to implement the title I permitting program. Title I does not require SIPs to include a specific fee schedule or dollar amount for permitting activities; the EPA also does not have a presumptive minimum that we believe is sufficient for implementing a title I program. Rather, our analysis of the approvability of a title I fee program is based on determining whether the state has the adequate legal authority to assess, collect and enforce the fees determined by the state as necessary for implementation and whether the state has the ability to revise these fees into the future in order to continue to implement the title I program. Our analysis indicates the submitted fee regulations provide the State of Louisiana with the necessary authority to assess, collect and enforce permitting fees sufficient to implement the title I permitting program. The proposed revisions are administrative in nature and will not affect emissions and will also not interfere with requirements of the CAA related to the proposed revisions. We propose to find that the submitted fee regulations to support this required program will further the state's air quality goals and will not interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 7501 of this title), or any other applicable requirement of this chapter.

III. Final Action

For the reasons stated above and in the TSD, the EPA is taking direct final action to approve revisions to the Louisiana SIP pertaining to title I fees. Specifically, the EPA is removing the current SIP-approved fee program in Chapters 2 and 65 and approving in its place the revised Louisiana fee program at Chapter 2 sections 201 through 221, and submitted as a revision to the Louisiana SIP on February 23, 2016.

The EPA is publishing this rule without prior proposal because we view this as a non-controversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve this SIP revision if relevant adverse comments are received. This rule will be effective on June 20, 2016 without further notice unless we receive relevant adverse comment by May 23, 2016. If we receive relevant adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so now. Please note that if we receive relevant adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Incorporation by Reference

In this rule, we are finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are finalizing the incorporation by reference of the revisions to the Louisiana regulations as described in the Final Action section above. We have made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the EPA Region 6 office.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 20, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 6, 2016.

Ron Curry,

Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart T—Louisiana

■ 2. In § 52.970, the table in paragraph (c) is amended by:

■ a. Adding entries for "Sections 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, and 221".

■ b. Removing the entry for "Section 223", the center heading "Chapter 65—Rules and Regulations for the Fee System of the Air Quality Control Programs" and the entries for "Sections 6501, 6503, 6505, 6507, 6509, 6511, 6513, 6515, 6517, 6519, 6521, and 6523".

The additions read as follows:

§ 52.970 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED REGULATIONS IN THE LOUISIANA SIP

State citation	Title/subject	State approval date	EPA approval date	Comments
*	*	*	*	*
	Chapter 2—Rules and Regulations for the Fee System of the Air Quality Control Programs			
Section 201	Scope and Purpose	10/20/1993	4/21/2016 [Insert **Federal Register** citation].	
Section 203	Authority	9/20/1988	4/21/2016 [Insert **Federal Register** citation].	
Section 205	Definitions	9/20/1988	4/21/2016 [Insert **Federal Register** citation].	
Section 207	Application Fees	2/20/2000	4/21/2016 [Insert **Federal Register** citation].	

EPA APPROVED REGULATIONS IN THE LOUISIANA SIP—Continued

State citation	Title/subject	State approval date	EPA approval date	Comments
Section 209	Annual Fees	2/20/2000	4/21/2016 [Insert **Federal Register** citation].	
Section 211	Methodology	4/20/2011	4/21/2016 [Insert **Federal Register** citation].	SIP does NOT include LAC 33:III.211.B.15.
Section 213	Determination of Fee	9/20/1988	4/21/2016 [Insert **Federal Register** citation].	
Section 215	Method of Payment	10/20/2009	4/21/2016 [Insert **Federal Register** citation].	
Section 217	Late Payment	3/20/1999	4/21/2016 [Insert **Federal Register** citation].	
Section 219	Failure to Pay	3/20/1999	4/21/2016 [Insert **Federal Register** citation].	
Section 221	Effective Date	9/20/1988	4/21/2016 [Insert **Federal Register** citation].	

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[FR Doc. 2016–09066 Filed 4–20–16; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 412

[CMS–1664–IFC]

RIN 0938–AS88

Medicare Program; Temporary Exception for Certain Severe Wound Discharges From Certain Long-Term Care Hospitals Required by the Consolidated Appropriations Act, 2016; Modification of Limitations on Redesignation by the Medicare Geographic Classification Review Board

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Interim final rule with comment period.

SUMMARY: This interim final rule with comment period (IFC) implements section 231 of the Consolidated Appropriations Act of 2016 (CAA), which provides for a temporary exception for certain wound care discharges from the application of the site neutral payment rate under the Long-Term Care Hospital (LTCH) Prospective Payment System (PPS) for certain long-term care hospitals. This IFC also amends our current regulations to allow hospitals nationwide to reclassify based on their acquired rural status, effective with reclassifications beginning with fiscal year (FY) 2018. Hospitals with an existing Medicare Geographic Classification Review Board (MGCRB) reclassification would also have the opportunity to seek rural reclassification for IPPS payment and other purposes and keep their existing MGCRB reclassification. We would also apply the policy in this IFC when deciding timely appeals before the Administrator under our regulations for FY 2017 that were denied by the MGCRB due to existing regulations, which do not permit simultaneous rural reclassification for IPPS payment and other purposes and MGCRB reclassification. These regulatory changes implement the decisions in *Geisinger Community Medical Center* v. *Secretary, United States Department of Health and Human Services,* 794 F.3d 383 (3d Cir. 2015) and *Lawrence + Memorial Hospital* v. *Burwell,* No. 15–164, 2016 WL 423702 (2d Cir. Feb. 4, 2015) in a nationally consistent manner.

DATES: *Effective date:* These regulations are effective on April 21, 2016.

Comment date: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on June 17, 2016.

ADDRESSES: In commenting, please refer to file code CMS–1664–IFC. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed)

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the "Submit a comment" instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS—1664–IFC, P.O. Box 8013, Baltimore, MD 21244–8013.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS—1664–IFC, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* Alternatively, you may deliver (by hand or courier) your written comments ONLY to the following addresses prior to the close of the comment period:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786–9994 in advance to schedule your arrival with one of our staff members.

Comments erroneously mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Emily Lipkin, (410) 786–3633 for the Temporary Exception to Site-Neutral Payments for Certain Long-Term Care Hospital Discharges.

Tehila Lipschutz, (410) 786–1344 or Dan Schroder, (410) 786–7452 for the Modification of Limitations on Redesignation by the Medicare Geographic Classification Review Board.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://regulations.gov.* Follow the search instructions on that Web site to view public comments.

Comments received timely will be also available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

I. Background

A. Long-Term Care Hospital Prospective Payment System

Section 123 of the Medicare, Medicaid, and SCHIP (State Children's Health Insurance Program) Balanced Budget Refinement Act of 1999 (BBRA) (Pub. L. 106–113) as amended by section 307(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) (Pub. L. 106–554) provides for payment for both the operating and capital related costs of hospital inpatient stays in long-term care hospitals (LTCHs) under Medicare Part A based on prospectively set rates. The Medicare prospective payment system (PPS) for LTCHs applies to hospitals that are described in section 1886(d)(1)(B)(iv) of the Social Security Act (the Act), effective for cost reporting periods beginning on or after October 1, 2002.

Section 1886(d)(1)(B)(iv)(I) of the Act defines an LTCH as a hospital which has an average inpatient length of stay (as determined by the Secretary) of greater than 25 days. Section 1886(d)(1)(B)(iv)(II) of the Act also provides an alternative definition of LTCHs: specifically, a hospital that first received payment under section 1886(d) of the Act in 1986 and has an average inpatient length of stay (as determined by the Secretary of Health and Human Services (the Secretary)) of greater than 20 days and has 80 percent or more of its annual Medicare inpatient discharges with a principal diagnosis that reflects a finding of neoplastic disease in the 12-month cost reporting period ending in FY 1997.

Section 123 of the BBRA requires the PPS for LTCHs to be a "per discharge" system with a diagnosis related group (DRG) based patient classification system that reflects the differences in patient resources and costs in LTCHs.

Section 307(b)(1) of the BIPA, among other things, mandates that the Secretary shall examine, and may provide for, adjustments to payments under the LTCH PPS, including adjustments to DRG weights, area wage adjustments, geographic reclassification, outliers, updates, and a disproportionate share adjustment.

In the August 30, 2002 **Federal Register** (67 FR 55954), we issued the Medicare Program; Prospective Payment System for Long-Term Care Hospitals: Implementation and FY 2003 Rates final rule that implemented the LTCH PPS authorized under the BBRA and BIPA. For the initial implementation of the LTCH PPS (FYs 2003 through FY 2007), the system used information from LTCH patient records to classify patients into distinct long-term care diagnosis related groups (LTC–DRGs) based on clinical characteristics and expected resource needs. Beginning in FY 2008, we adopted the Medicare severity long-term care diagnosis related groups (MS–LTC–DRGs) as the patient classification system used under the LTCH PPS. Payments are calculated for each MS–LTC–DRG and provisions are made for appropriate payment adjustments. Payment rates under the LTCH PPS are updated annually and published in the **Federal Register**.

The LTCH PPS replaced the reasonable cost based payment system under the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) (Pub. L. 97–248) for payments for inpatient services provided by an LTCH with a cost reporting period beginning on or after October 1, 2002. (The regulations implementing the TEFRA reasonable cost based payment provisions are located at 42 CFR part 413.) With the implementation of the PPS for acute care hospitals authorized by the Social Security Amendments of 1983 (Pub. L. 98–21), which added section 1886(d) to the Act, certain hospitals, including LTCHs, were excluded from the PPS for acute care hospitals and were paid their reasonable costs for inpatient services subject to a per discharge limitation or target amount under the TEFRA system. For each cost-reporting period, a hospital specific ceiling on payments was determined by multiplying the hospital's updated target amount by the number of total current year Medicare discharges. (Generally, in this interim final rule with comment, when we refer to discharges, we describe Medicare discharges.) The August 30, 2002 final rule further details the payment policy under the TEFRA system (67 FR 55954).

In the August 30, 2002 final rule, we provided for a 5-year transition period from payments under the TEFRA system to payments under the LTCH PPS. During this 5-year transition period, an LTCH's total payment under the PPS was based on an increasing percentage of the federal rate with a corresponding decrease in the percentage of the LTCH PPS payment that is based on reasonable cost concepts, unless an LTCH made a one-time election to be paid based on 100 percent of the federal rate. Beginning with LTCHs' cost reporting periods beginning on or after October 1, 2006, total LTCH PPS payments are based on 100 percent of the federal rate.

In addition, in the August 30, 2002 final rule, we presented an in depth discussion of the LTCH PPS, including the patient classification system, relative weights, payment rates, additional payments, and the budget neutrality requirements mandated by section 123 of the BBRA. The same final rule that established regulations for the LTCH PPS under 42 CFR part 412, subpart O, also contained LTCH provisions related to covered inpatient services, limitation on charges to beneficiaries, medical review requirements, furnishing of inpatient hospital services directly or under arrangement, and reporting and recordkeeping requirements. We refer readers to the August 30, 2002 final rule for a comprehensive discussion of the research and data that supported the establishment of the LTCH PPS (67 FR 55954).

We refer readers to the FY 2012 IPPS/LTCH PPS final rule (76 FR 51733 through 51743) for a chronological summary of the main legislative and regulatory developments affecting the

LTCH PPS through the annual update cycles prior to the FY 2014 rulemaking cycle. In addition, the FY 2016 IPPS/LTCH PPS final rule, we implemented the provisions of the Pathway for SGR Reform Act of 2013 (Pub. L. 113–67), which mandated the application of the "site neutral" payment rate for discharges in cost reporting periods beginning in FY 2016. Section 1886(m)(6)(A) of the Act provides that, for cost reporting periods beginning on or after October 1, 2015, discharges that do not meet certain statutory criteria are paid the site neutral payment rate. Discharges which do meet the statutory criteria continue to receive reimbursement at the LTCH PPS standard federal payment rate. The application of the site neutral payment rate, which resulted in a dual rate payment structure under the LTCH PPS, is implemented in the regulations at § 412.522. For more information on the statutory requirements of the Pathway for SGR Reform Act of 2013, refer to the FY 2016 IPPS/LTCH PPS final rule (80 FR 49601 through 49623).

B. Wage Index for Acute Care Hospitals Paid Under the Inpatient Prospective Payment System (IPPS)

Under section 1886(d) of the Act hospitals are paid based on prospectively set rates. To account for geographic area wage level differences, section 1886(d)(3)(E) of the Act requires that the Secretary adjust the standardized amounts by a factor (established by the Secretary) reflecting the relative hospital wage level in the geographic area of the hospital, as compared to the national average hospital wage level. We currently define hospital labor market areas based on the delineations of statistical areas established by the Office of Management and Budget (OMB). The current statistical areas (which were implemented beginning with FY 2015) are based on revised OMB delineations issued on February 28, 2013, in OMB Bulletin No. 13–01. We refer readers to the FY 2015 IPPS/LTCH PPS final rule (79 FR 49951 through 49963) for a full discussion of our implementation of the new OMB labor market area delineations beginning with the FY 2015 wage index.

Section 1886(d)(3)(E) of the Act requires the Secretary to update the wage index of hospitals annually, and to base the update on a survey of wages and wage-related costs of short-term, acute care hospitals. Under section 1886(d)(8)(D) of the Act, the Secretary is required to adjust the standardized amounts so as to ensure that aggregate payments under the IPPS, after implementation of the provisions of sections 1886(d)(8)(B), 1886(d)(8)(C), and 1886(d)(10) of the Act, regarding geographic reclassification of hospitals, are equal to the aggregate prospective payments that would have been made absent these provisions.

Hospitals may seek to have their geographic designation reclassified. Under section 1886(d)(8)(E) of the Act, a qualifying prospective payment hospital located in an urban area may apply for rural status. Specifically, section 1886(d)(8)(E) of the Act states that "[f]or purposes of this subsection, not later than 60 days after the receipt of an application (in a form and manner determined by the Secretary) from a subsection (d) hospital described in clause (ii), the Secretary shall treat the hospital as being located in the rural area (as defined in paragraph (2)(D)) of the state in which the hospital is located." The regulations governing these geographic redesignations are found in § 412.103. We also refer readers to the final rule published in the August 1, 2000 **Federal Register** entitled, "Medicare Program; Provisions of the Balanced Budget Refinement Act of 1999; Hospital Inpatient Payments and Rates and Costs of Graduate Medical Education" (65 FR 47029 through 47031) for a discussion of the general criteria for reclassifying from urban to rural under this statute. In addition, in the FY 2012 IPPS/LTCH PPS final rule (76 FR 51596), we discussed the effects on the wage index of an urban hospital reclassifying to a rural area of its state, if the urban hospital meets the requirements under § 412.103. Hospitals that are located in states without any geographically rural areas are ineligible to apply for rural reclassification in accordance with the provisions of § 412.103.

In addition, under section 1886(d)(10) of the Act, the Medicare Geographic Classification Review Board (MGCRB) considers applications by hospitals for geographic reclassification for purposes of payment under the IPPS. Hospitals must apply to the MGCRB to reclassify not later than 13 months prior to the start of the fiscal year for which reclassification is sought (generally by September 1). Generally, hospitals must be proximate to the labor market area to which they are seeking reclassification and must demonstrate characteristics similar to hospitals located in that area. The MGCRB issues its decisions by the end of February for reclassifications that become effective for the following fiscal year (beginning October 1). The regulations applicable to reclassifications by the MGCRB are located in §§ 412.230 through 412.280. (We refer readers to a discussion in the FY 2002 IPPS final rule (66 FR 39874 and 39875) regarding how the MGCRB defines mileage for purposes of the proximity requirements.) The general policies applicable to reclassifications under the MGCRB process are discussed in the FY 2012 IPPS/LTCH PPS final rule for the FY 2012 final wage index (76 FR 51595 and 51596).

II. Provisions of the Interim Final Rule With Comment Period

A. Long Term Care Hospital Prospective Payment System

1. Section 231 of the Consolidated Appropriations Act, 2016

Section 231 of the Consolidated Appropriations Act, 2016 (CAA) (Pub. L. 114–113) amends section 1886(m)(6) of the Act by revising subparagraph (A)(i) and adding new subparagraph (E), which establishes a temporary exception for certain wound care discharges from the site neutral payment rate for certain LTCHs. Specifically, under this statutory provision, the exception applies for discharges occurring prior to January 1, 2017 from LTCHs "identified by the amendment made by section 4417(a) of the Balanced Budget Act of 1997" and "located in a rural area (as defined in subsection (d)(2)(D)) or treated as being so located pursuant to subsection (d)(8)(E)" when the individual discharged "has a severe wound". In this interim final rule with comment period (IFC), we are amending § 412.522 to implement this provision. Because the statute contained no effective date and required rulemaking to implement, we determined that an IFC was the appropriate mechanism to use to provide the longest period of relief under the statute.

In implementing the provisions of section 231 of the CAA, we found that, in light of the unique nature of LTCHs as a category of Medicare provider, some of the terminology in the provision is internally inconsistent. Therefore, we were required to interpret the provisions in the way we believe reasonably reconciles seemingly inconsistent provisions and that results in an application of the provisions that is logical and workable. We discuss our interpretations in this section of this IFC.

Section 1886(m)(6)(E)(i)(I)(aa) of the Act, as added by the CAA, specifies that the temporary exclusion for certain discharges from the site neutral payment rate is applicable to an LTCH that is "identified by the amendment made by section 4417(a) of the Balanced Budget Act of 1997." The phrase "identified by the amendment made by section 4417(a) of the Balanced Budget Act of 1997" has been interpreted by CMS in previous rulemaking. Section 114 of the Medicare, Medicaid, and SCHIP Extension Act (MMSEA) (Pub. L. 110–173) used the phrase to delay the implementation of the 25 percent policy at §§ 412.534 and 412.536 for LTCHs "identified by the amendment made by section 4417(a) of the Balanced Budget Act of 1997" which we interpreted in the May 22, 2008 interim final rule with comment period (IFC). In that IFC (73 FR 29703) (finalized in our FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 43980)) we interpreted the phrase to mean hospitals which were described in § 412.23(e)(2)(i) that meet the criteria of § 412.22(f). (We note that we received no comments in response to this interpretation). Section 412.22(f) requires that, in order to maintain grandfathered status, a hospital-within-hospital (HwH) must continue to operate under the same terms and conditions including but not limited to number of beds. In revising § 412.22(f) in the FY 2004 IPPS final rule (68 FR 45463), we created a "hold harmless" provision which allowed a grandfathered HwH to increase beds or change terms and maintain grandfathered status so long as beds were not increased on or after October 1, 2003 (meaning that if a hospital increased beds between October 1, 1995 and September 30, 2003 it would maintain its grandfathered status). As we have already interpreted this exact phrase in previous rulemaking, for purposes of implementing section 231 of the CAA we are interpreting the phrase consistent with our implementation of MMSEA, meaning that "identified by the amendment made by section 4417(a) of the Balanced Budget Act of 1997" requires that the LTCH participated in Medicare as an LTCH and was co-located with another hospital as of September 30, 1995, and must currently meet the requirements of § 412.22(f).

Section 4417(a) of the BBA of 1997 permanently exempted certain LTCHs from our regulations governing separateness and control requirements for HwHs (which we established in the FY 1995 IPPS final rule (59 FR 45389)). We implemented section 4417(a) of the BBA in the FY 1998 IPPS final rule (62 FR 46012). As finalized, our regulations implementing section 4417(a) of the BBA exempted hospitals excluded from the hospital inpatient prospective payment system on or before September 30, 1995 from our separateness and control HwH requirements. An HwH is defined in our regulations at § 412.22(e) as a hospital which occupies space in a building also used by another hospital or on the campus of another hospital. The provisions governing HwH exemption from the separateness and control requirements remained unchanged until the FY 2003 rulemaking cycle in which we proposed and finalized revisions to § 412.22(f) to specify that, effective with cost reporting periods beginning on or after October 1, 2003, a hospital operating as an HwH on or before September 30, 1995, would only be exempt from the criteria in §§ 412.22(e)(1) through (5) if the hospital-within-a-hospital continued to operate under the same terms and conditions that were in effect as of September 30, 1995 (68 FR 45463). The intent of this modification to the grandfathering provision was to limit the separateness and control exemption to those HwHs that continued to operate as they had when the Congress provided for an exemption from the requirements. Those HwHs that met this requirement would continue to be shielded as the Congress had intended. But, in recognition of the need not to allow these facilities undue advantage over facilities not benefiting from the exemption, and in recognition that some grandfathered HwHs no longer resembled the entities they had been in 1995 (for example, by changing the nature of their operations such as by adding more beds), we proposed to limit grandfathering to those HwHs that continued to operate under the same terms and conditions that were in effect as of September 30, 1995, the date identified in the BBA.

Several commenters disagreed with our proposal to limit grandfathering to HwH that continue to operate under the same terms and conditions that were in place on September 30, 1995. These commenters believed that the adoption of this proposal could result in a decertification of a number of LTCHs, thus depriving Medicare beneficiaries of specialized services and unique programs. They asserted that CMS was requiring grandfathered HwHs that had changed the terms and conditions under which they operated to either reverse their previously approved changes or lose their certification, which would retroactively reverse prior governmental approvals of LTCH changes. The commenters further asserted that there was no good reason to treat these hospitals any differently from other providers participating in the Medicare program, a practice that the commenters believed would result in inequitable treatment of patients as well as employees. Furthermore, the commenters expressed concern that the proposed effective date timeframe for implementation (which was 60 days from the publication of the final rule) was too short because it would not allow adequate time for providers to undo previous changes to the terms and conditions under which they operated.

In response to these comments, in the FY 2003 LTCH PPS final rule, we reiterated that, in establishing grandfathering regulations, the intent had been to protect existing hospitals from the potentially adverse impact of subsequent, specific regulations that they could not have foreseen, and, using their existing operational structures, could not have abided by. If those entities later proved able to change their operational structures, we saw no policy basis for not applying the separateness and control provisions that had since proven essential to the goals of the Medicare program—after all, the entity benefiting from the grandfathering would no longer resemble the entity the Congress had grandfathered in statute. That said, we understood commenters' concerns about after-the-fact changes, and so we finalized a policy that grandfathered any facility that continued to operate as it had as of September 30, 1995 (our original proposal), or that operated under the terms and conditions that had been put into effect no later than October 1, 2003, and codified these provisions in a revised § 412.22(f). An LTCH that met these revised grandfathering requirements would still need to comply with the general HwH requirements set forth in § 412.22(e) (see 68 FR 45463).

Later, in recognition of requests for modification relating to the need to update a hospital's medical equipment, in the FY 2007 IPPS proposed rule, we proposed further revisions to the requirements of § 412.22(f) to allow grandfathered hospitals to increase square footage or decrease the number of beds for cost reporting periods beginning on or after October 1, 2006 without a loss of grandfathered status. These proposals generated comments requesting further amendments to allow a grandfathered hospital to increase beds without loss of grandfathered status. As we explained in response to those comments in the FY 2007 IPPS final rule (71 FR 48106), grandfathered hospitals are generally organized and operated in ways that do not meet the separateness and control requirements applicable to non-grandfathered facilities, so that they effectively function as units of their host facilities, an arrangement prohibited by the Act.

Therefore, although we finalized regulations that allowed grandfathered HwHs (and satellite facilities) the ability to increase their square footage and retain grandfathered status to allow the hospitals to be able to provide care using the most appropriate medical equipment and techniques (which may require more space than was required in 1995 and 2003), we did not allow grandfathered hospitals an increase in the number of beds (71 FR 48111).

As discussed previously, there are several reasons for which an LTCH described in § 412.23(e)(2)(i) may not meet the criteria in § 412.22(f). For example, the LTCH may have more than one location, meaning that each co-located location would be a satellite, not an HwH, or the hospital may have increased beds after September 30, 2003 (we note that the preceding provides only examples and is not an exhaustive list of the reasons an LTCH may not meet the criteria in § 412.22(f)). Also as previously explained, the requirement that grandfathered HwHs meet the criteria in § 412.22(f) was established through previous notice-and-comment rulemaking. Therefore, in order to identify which LTCHs are grandfathered HwHs, Medicare Administrative Contractors (MACs) will be verifying which LTCHs described in § 412.23(e)(2)(i) meet the criteria in § 412.22(f). Section 1886(m)(6)(E)(i)(I)(bb) of the Act, as added by the CAA, further limits the temporary statutory exclusion for certain discharges from the site neutral payment rate to LTCHs that are "located in a rural area (as defined in subsection (d)(2)(D)) or treated as being so located pursuant to subsection (d)(8)(E)". In general, section 1886(d)(2)(D) of the Act defines the term "rural area" as any area outside an urban area, which is an area within a Metropolitan Statistical Area (MSA) (as defined by the OMB). This definition of rural area is consistent with the existing definition of rural area under the LTCH PPS set forth at § 412.503. Therefore, in this IFC, we are establishing that "located in a rural area" in section 1886(m)(6)(E)(i)(I)(bb) refers to LTCHs which are currently located in a rural area as defined under § 412.503. (For information on the current labor market area geographic classifications used under the LTCH PPS, refer to the FY 2015 IPPS/LTCH PPS final rule (79 FR 50180 through 50185).)

The phrase "treated as being so located pursuant to subsection (d)(8)(E)" is internally inconsistent given the unique nature of LTCHs as a category of Medicare provider. There is currently no mechanism which an LTCH may use to be treated as rural pursuant to section 1886(d)(8)(E) of the Act because that section only applies to subsection (d) hospitals, and LTCHs, by definition at section 1886(b)(1) of the Act are not subsection (d) hospitals.

For urban subsection (d) hospitals, we implemented the rural reclassification provision in the regulations at § 412.103. In general, the provisions of § 412.103 provides that a hospital that is located in an urban area may be reclassified as a rural hospital if it submits an application in accordance with our established criteria and meets certain conditions, which include the hospital being located in a rural census tract of a MSA as determined under the most recent version of the Goldsmith Modification, the Rural-Urban Commuting Area (RUCA) codes, as determined by the Office of Rural Health Policy (ORHP) of the Health Resources and Services Administration (HRSA), or that the hospital is located in an area designated by any law or regulation of the state in which it is located as a rural area, or the hospital is designated as a rural hospital by state law or regulation. Paragraph (b) of § 412.103 sets forth application requirements for a hospital seeking reclassification as rural under that section, which includes a written application mailed to the Center for Medicare and Medicaid Services (CMS) regional office (RO) that contains an explanation of how the hospital meets the condition that constitutes the request for reclassification, including data and documentation necessary to support the request. As provided in paragraphs (c) and (d) of § 412.103, the RO reviews the application and notifies the hospital of its approval or disapproval of the request within 60 days of the filing date (that is, the date the CMS RO receives the application), and a hospital (that satisfies any of the criteria set forth § 412.103(a) is considered as being located in the rural area of the state in which the hospital is located as of that filing date (meaning that the hospital would be treated as rural for the purposes of exclusion from the site neutral payment rate for severe wound discharges as of the filing date). For additional information on our policies for hospitals located in urban areas and that apply for reclassification as rural under § 412.103, refer to the FY 2001 IPPS/LTCH PPS final rule (65 FR 47029).

For the purposes of implementing subparagraph (E) of section 1886(m)(6) of the Act as provided by the CAA, we are revising our regulations to—

- "Borrow" the existing rural reclassification process for urban subsection (d) hospitals under § 412.103; and
- Allow grandfathered LTCH HwHs (previously defined in this IFC) to apply to their RO for treatment as being located in a rural area for the sole purpose of qualifying for this temporary exclusion from the application of the site neutral payment rate.

We note that this policy would only allow grandfathered LTCH HwHs to apply for this reclassification. The rural treatment would only extend to this temporary exception for certain wound care discharges from the site neutral payment rate (meaning a grandfathered HwH LTCH will not be treated as rural for any other reason including, but not limited to, the 25 percent policy and wage index). We also note that the any rural treatment under § 412.103 for a grandfathered HwH LTCH will expire at the same time as this temporary provision (that is, December 31, 2016).

Section 1886(m)(6)(E)(i)(II) of the Act, as added by the CAA, provides that the temporary exclusion for certain discharges from the site neutral payment rate for certain LTCHs is applicable when "the individual discharged has a severe wound." The use of the present tense in "has" a severe wound is also internally inconsistent. A strictly literal read of the statute would require exception from the site neutral payment rate only for an individual who, presently, "has severe a wound" at the time of their discharge from the LTCH, and thus payments for patients whose wounds were either healed or no longer severe at the time of their discharge would be made under our existing regulations (that is, they would receive payment at the site neutral payment rate unless they met the existing exclusion criteria). We do not believe that the Congress meant to exclude only discharges where the patient, at the time of discharge, still "has" a severe wound from the site neutral payment rate while making site neutral payment rate payments for discharges of patients whose wounds healed during the course of their treatment in the LTCH (that is, a patient who "had" a severe wound as opposed to "has" one). Therefore, in order to resolve this inconsistency, and in accordance with our interpretation of other provisions of the statute, we are implementing this provision of the statute so that discharges for patients who received treatment for a "severe wound" at the LTCH (as discussed later in this section will meet the criteria for exclusion from the site neutral payment rate under section 1886(m)(6)(E)(i)(II) of the Act regardless of whether the wound was still present and severe at the time of discharge.

Section 1886(m)(6)(E)(ii) of the Act, as added by the CAA, defines a "severe wound" as "a stage 3 wound, stage 4 wound, unstageable wound, non-healing surgical wound, infected wound, fistula, osteomyelitis or wound with morbid obesity as identified in the claim from the long-term care hospital." To implement this statutory definition, in consultation with our medical officers we are defining a wound as: "an injury, usually involving division of tissue or rupture of the integument or mucous membrane with exposure to the external environment". In this IFC, we are also establishing that "as identified in the claim" means "identified based on the ICD–10 diagnosis codes on the claim where—

- The ICD–10 diagnosis codes contain sufficient specificity for this purpose; or
- Through the use of a payer-specific condition code where the ICD–10 diagnosis codes lack sufficient specificity for this purpose".

For six of the eight statutory categories included in the definition of "severe wound" (stage 3 wound, stage 4 wound, unstageable wound, non-healing surgical wound, fistula, and osteomyelitis), we believe severe wounds can be identified through the use of specific ICD–10 codes which are reported in the LTCH claim. The list of ICD–10 diagnosis codes that we will to use to identify severe wounds for this group of the six statutory categories can be found in the table "Severe Wound Diagnosis Codes by Category for Implementation of Section 231 of Public Law 114–113" posted on the CMS Web site at *https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/LongTermCareHospitalPPS/index.html* under the regulation "CMS–1664–IFC". Our medical officers compiled this list of codes by reviewing ICD–10 diagnosis codes for the statutorily enumerated categories of severe wounds and selected those codes for diagnoses which met our definition of "wound" (previously stated in this IFC). We note that under our definition of wound, the ICD–10 diagnosis codes used to identify severe wounds in the osteomyelitis category are also part of the ICD–10 diagnosis codes used to identify severe wounds in the fistula category so no separate identification of ICD–10 codes for osteomyelitis is necessary.

The remaining two statutory categories included in the definition of "severe wound" (infected wound and wound with morbid obesity) lack ICD–10 diagnosis codes with sufficient specificity to identify the presence of a "severe wound". This is because the number of codes which are used to identify wounds and infections are too numerous to identify in an exhaustive list. Furthermore, the presence of codes for infection (or morbid obesity) and wound on the claim do not in and of themselves demonstrate that the discharge was for a "severe wound." In other words, the ICD–10 diagnosis codes for infection (or morbid obesity) and wound do provide any information on the severity of such diagnosis, that is, ICD–10 diagnosis codes do not differentiate between such diagnoses that are "severe" or "non-severe" wounds. Because we cannot specify ICD–10 diagnosis codes to identify wounds in these categories, for the purposes of this provision we are defining a "wound with morbid obesity" as "a wound in those with morbid obesity that require complex, continuing care including local wound care occurring multiple times a day" and we are defining an "infected wound" as "a wound with infection requiring complex, continuing care including local wound care occurring multiple times a day."

In order to operationalize these definitions in the absence of ICD–10 diagnosis codes, we will utilize "payer-only" condition codes. These payer-only condition codes are a type of condition code (which are currently reported on claims) issued by the National Uniform Billing Committee (NUBC), which is the governing body for forms and codes used in medical claims billing for hospitals and other institutional providers. In this IFC, we are establishing that if an LTCH has a discharge meeting our definition of "wound with morbid obesity" or "infected wound" the LTCH would inform its MAC, and the MAC will then place the designated payer-only condition code on the claim for processing. The presence of the designated payer-only condition code on the claim for qualifying grandfathered HwH LTCHs will generate a standard federal payment rate payment for the claim (that is, exclusion from the site neutral payment rate) consistent with this statutory provision. We intend to issue additional operational instructions regarding the use of the designated payer-only condition code. We note that while the use of this payer-only condition code is the most expedient operational method we have of implementing the statutory definition in the time frame allowed, the continued use of a payer-only condition code may not be feasible if the scope of this provision is expanded. Given the current limitations on the number of LTCHs which can qualify for this provision under the statutory criteria (that is, grandfathered HwHs that are located in a rural area or reclassify as rural, as previously described in this IFC), the ability to identify the other statutory categories of severe wounds, and the limited timeframe of the exception, we expect the number of claims necessitating the use of this payer-only condition code will be minimal.

B. Wage Index for Acute Care Hospitals Paid Under the Inpatient Prospective Payment System (IPPS): Criteria for an Individual Hospital Seeking Redesignation to Another Area (§ 412.103)

Our current policy limits certain redesignations in order to preclude hospitals from obtaining urban to rural reclassification under § 412.103, and then using that obtained rural status to receive an additional reclassification through the MGCRB. We refer readers to § 412.230(a)(5)(iii), which states that an urban hospital that has been granted redesignation as rural under § 412.103 cannot receive an additional reclassification by the MGCRB based on this acquired rural status for a year in which such redesignation is in effect. In other words, § 412.230(a)(5)(iii) prohibits a hospital from simultaneously receiving an urban to rural reclassification under § 412.103 and a reclassification under the MGCRB.

On July 23, 2015 the Court of Appeals for the Third Circuit issued a decision in *Geisinger Community Medical Center* v. *Secretary, United States Department of Health and Human Services,* 794 F.3d 383 (3d Cir. 2015). Geisinger Community Medical Center ("Geisinger"), a hospital located in a geographically urban Core-Based Statistical Area (CBSA), obtained rural status under § 412.103, but was unable to receive additional reclassification through the MGCRB while still maintaining its rural status under § 412.230(a)(5)(iii). To receive reclassification through the MGCRB under existing regulations, Geisinger would have had to first cancel its § 412.103 urban-to-rural reclassification and use the proximity requirements for an urban hospital rather than take advantage of the broader proximity requirements for reclassification granted to rural hospitals. (We refer readers to § 412.230(b)(1), which states that a hospital demonstrates a close proximity with the area to which it seeks redesignation if the distance from the hospital to the area is no more than 15 miles for an urban hospital and no more than 35 miles for a rural hospital.)

Geisinger challenged as unlawful the regulation at § 412.230(a)(5)(iii) requiring cancelation of its rural reclassification prior to applying for reclassification through the MGCRB. In *Geisinger Community Medical Center* v. *Burwell,* 73 F. Supp.3d 507 (M.D. Pa. 2014), the United States District Court for the Middle District of Pennsylvania upheld the regulation at § 412.230(a)(5)(iii) and granted summary judgment in favor of CMS. The Court of Appeals for the Third Circuit reversed the decision of the District Court, holding that the language of section 1886(d)(8)(E)(i) of the Act is unambiguous in its plain intent that "the Secretary shall treat the hospital as being located in the rural area," inclusive of MGCRB reclassification purposes, thus invalidating the regulation at § 412.230(a)(5)(iii). On February 4, 2016, the Court of Appeals for the Second Circuit issued its decision in *Lawrence + Memorial Hospital* v. *Burwell,* No. 15–164, 2016 WL 423702 (2d Cir. February 4, 2016), essentially following the reasoning of the Third Circuit *Geisinger* decision.

While these decisions currently apply only to hospitals located within the jurisdictions of the Second and Third Circuits, we believe that maintaining the regulations at § 412.230(a)(5)(iii) in other places nationally would constitute inconsistent application of reclassification policy based on jurisdictional regions. In the interest of creating a uniform national reclassification policy, we are removing the regulation text at § 412.230(a)(5)(iii). We are also revising the regulation text at § 412.230(a)(5)(ii) to allow more than one reclassification for those hospitals redesignated as rural under § 412.103 and—simultaneously seeking reclassification through the MGCRB. Specifically, we are revising § 412.230(a)(5)(ii) to state that a hospital may not be redesignated to more than one area, except for an urban hospital that has been granted redesignation as rural under § 412.103 and receives an additional reclassification by the MGCRB. Therefore, effective for reclassification applications due to the MGCRB on September 1, 2016, for reclassification first effective for FY 2018, a hospital could apply for a reclassification under the MGCRB while still being reclassified from urban to rural under § 412.103. Such hospitals would be eligible to use distance and average hourly wage criteria designated for rural hospitals at § 412.230(b)(1) and (d)(1). In addition, effective with the display date of this IFC, a hospital that has an active MGCRB reclassification and is then approved for reclassification under § 412.103 would not lose its MGCRB reclassification; that is, a hospital with an active MGCRB reclassification can simultaneously maintain rural status under § 412.103, and receive a reclassified urban wage index during the years of its active MGCRB reclassification and would still be considered rural under section 1886(d) of the Act and for other purposes. We would also apply the policy in this IFC when deciding timely appeals before the Administrator under § 412.278 for FY 2017 that were denied by the MGCRB due to existing § 412.230(a)(5)(ii) and (iii), which do not permit simultaneous § 412.103 and MGCRB reclassifications.

Apart from the direct impact on reclassifying hospitals previously discussed in this section, we also considered how to treat the wage data of hospitals that maintain simultaneous reclassifications under both the § 412.103 and MGCRB processes. Under current wage index calculation procedures, the wage data for a hospital geographically located in an urban area with a § 412.103 reclassification is included in the wage index for its home geographic area. It is also included in its state rural wage index, if including wage data for hospitals with rural reclassification raises the state's rural floor. In addition, the wage data for a hospital located in an urban area, and that is approved by the MGCRB to reclassify to another urban area (or another state's rural area), would be included in its home area wage index calculation, and in the calculation for the reclassified "attaching" area. We refer readers to the FY 2012 IPPS final rule (76 FR 59595 through 59596) for a full discussion of the effect of reclassification on wage index calculations. Furthermore, as discussed in the FY 2007 IPPS final rule (71 FR 48020 through 48022), hospitals currently cannot simultaneously maintain more than one wage index status (for example, a hospital cannot simultaneously maintain a § 412.103 rural reclassification and an MGCRB reclassification, nor can a hospital receive an outmigration adjustment while also maintaining MGCRB or Lugar status). However, as a consequence of the court decisions previously discussed, we are revising our current regulations and creating a rule that would apply to all hospitals nationally, regarding the treatment of the wage data of hospitals that have both a § 412.103 reclassification and an MGCRB reclassification. Under this IFC, if a hospital with a § 412.103 reclassification is approved for an additional reclassification through the MGCRB process, and the hospital accepts its MGCRB reclassification, the CBSA to which the hospital is reclassified under the MGCRB prescribes the area wage index that the hospital would receive; the hospital would not receive the wage index associated with the rural area to which the hospital is reclassified under § 412.103. That is, for wage index calculation and payment purposes, when there is both a § 412.103 reclassification and an MGCRB reclassification, the MGCRB reclassification would control for wage index calculation and payment purposes. Therefore, although we are amending our policy with this IFC so that a hospital can simultaneously have a reclassification under the MGCRB and an urban to rural reclassification under § 412.103, we are separately clarifying that we will exclude hospitals with § 412.103 reclassifications from the calculation of the reclassified rural wage index if they also have an active MGCRB reclassification to another area. In these circumstances, we believe it is appropriate to rely on the urban MGCRB reclassification to include the hospital's wage data in the calculation of the urban CBSA wage index. Further, we believe it is appropriate to rely on the urban MGCRB reclassification to ensure that the hospital be paid based on its urban MGCRB wage index. While rural reclassification confers other rural benefits besides the wage index under section 1886(d) of the Act, a hospital that chooses to pursue reclassification under the MGCRB (while also maintaining a rural reclassification under § 412.103) would do so solely for wage index payment purposes.

As previously stated, for wage index calculation and payment purposes, when there is both a § 412.103 reclassification and an MGCRB reclassification, the MGCRB reclassification would control for wage index calculation and payment purposes. That is, if an application for urban reclassification through the MGCRB is approved, and is not withdrawn or terminated by the hospital within the established timelines, we would consider, as is current practice, the hospital's geographic CBSA and the urban CBSA to which the hospital is reclassified under the MGCRB for the wage index calculation. The hospital's geographic CBSA and reclassified CBSA would be reflected accordingly in Tables 2 and 3 of the annual IPPS/LTCH PPS proposed and final rules. (We note that these tables are referenced in the

IPPS/LTCH proposed and final rules and are available only through the Internet on the CMS Web site.) However, in the absence of an active MGCRB reclassification, if the hospital has an active § 412.103 reclassification, CMS would treat the hospital as rural under § 412.103 reclassification for IPPS payment and other purposes, including purposes of calculating the wage indices reflected in Tables 2 and 3 of the annual IPPS/LTCH PPS proposed and final rules.

In summary, for reclassifications effective beginning FY 2018, a hospital could acquire rural status under § 412.103 and subsequently apply for a reclassification under the MGCRB using distance and average hourly wage criteria designated for rural hospitals. Additionally, effective with the display date of this IFC, a hospital with an active MGCRB reclassification could also acquire rural status under § 412.103 for IPPS payment and other purposes. We would also apply the policy in this IFC when deciding timely appeals before the Administrator under § 412.278 for FY 2017 that were denied by the MGCRB due to existing § 412.230(a)(5)(ii) and (iii), which do not permit simultaneous § 412.103 and MGCRB reclassifications. When there is both an MGCRB reclassification and a § 412.103 reclassification, the MGCRB reclassification would control for wage index calculation and payment purposes. For a discussion regarding budget neutrality adjustments for FY 2017 and subsequent years for hospitals that have a reclassification under § 412.103 and an MGCRB reclassification, we refer readers to the FY 2017 IPPS/LTCH proposed rule. Also, we intend to issue instructions to explain the revisions of the regulation text at § 412.230(a)(5)(ii) and the removal of the regulation text at § 412.230(a)(5)(iii) to ensure that MACs properly update the Provider Specific File (PSF) in the instance where a hospital would have a simultaneous reclassification to an urban area under the MGCRB and to a rural area under § 412.103.

III. Waiver of Proposed Rulemaking and Delay in Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite public comment on the proposed rule. The notice of proposed rulemaking includes a reference to the legal authority under which the rule is proposed, and the terms and substances of the proposed rule or a description of the subjects and issues involved. In addition, in accordance with section 553(d) of the APA and section 1871(e)(1)(B)(i) of the Act, we ordinarily provide a delay in the effective date of a substantive rule. For substantive rules that constitute major rules, in accordance with 5 U.S.C. 801, we ordinarily provide a 60-day delay in the effective date. None of the processes or effective date requirements apply, however, when the rule in question is interpretive, a general statement of policy, or a rule of agency organization, procedure, or practice. They also do not apply when the statute establishes rules to be applied, leaving no discretion or gaps for an agency to fill in through rulemaking. Furthermore, an agency may waive notice-and-comment rulemaking, as well as any delay in effective date, when the agency finds good cause that a notice and public comment on the rule as well the effective date delay are impracticable, unnecessary, or contrary to the public interest and incorporates a statement of the finding and its reasons in the rule issued.

For the LTCH wound care exception, we find notice-and-comment rulemaking and a delay in the effective date to be both unnecessary as well as impracticable and contrary to public interest. Section 231 of CAA requires the implementation of the LTCH wound care exception, limiting any discretion we might otherwise have, thereby making procedure unnecessary. In addition, given the statutory expiration of the provisions of section 231 of CAA on January 1, 2017 due to a congressionally imposed deadline, notice-and-comment and the resulting delay would significantly limit the set of discharges to which the statute would apply. By implementing the statute through an IFC rather than through the normal notice-and-comment rulemaking cycle and waiving the 60-day delay of effective date, we are ensuring the period of relief granted is consistent with our interpretation of the statute. We find, on these bases, that there is good cause to waive notice and comment and the delay in effective date that would otherwise be required by the provisions previously cited in this section.

In the case of the portion of this IFC regarding the wage index for acute care hospitals paid under the IPPS, we find good cause for waiving notice-and-comment rulemaking and a delay in effective date given the decisions of the courts of appeals and the public interest in consistent application of a Federal policy nationwide. Revising the regulation text at § 412.230(a)(5)(ii) and removing the regulation text at § 412.230(a)(5)(iii) through an IFC rather than through the normal notice-and-comment rulemaking cycle and waiving the 60-day delay of effective date will ensure a uniform national reclassification policy, since this policy has already been effective as of July 23, 2015 in the Third Circuit and February 4, 2016 in the Second Circuit. Absent such a policy, the wage index for acute care hospitals paid under the IPPS will remain confusingly inconsistent across jurisdictions. Therefore, we find good cause to waive the notice of proposed rulemaking as well as the 60-day delay of effective date and to issue this final rule on an interim basis. Even though we are waiving notice of proposed rulemaking requirements and are issuing these provisions on an interim basis, we are providing a 60-day public comment period.

IV. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

However, we are requesting an emergency review of the information collection referenced later in this section. In compliance with the requirement of section 3506(c)(2)(A) of the PRA, we have submitted the following for emergency review to the Office of Management and Budget (OMB). We are requesting an emergency review and approval under 5 CFR 1320.13(a)(2)(i) of the implementing regulations of the PRA in order to implement Section 231 of the CAA as expeditiously as possible. Public harm is reasonably likely to ensue if the normal clearance procedures are followed since the approval of this information collection is essential to ensuring that otherwise qualifying grandfathered urban HWHs are not unduly delayed in attempting to obtain the temporary exception by applying to be treated as rural before the temporary exception expires on December 31, 2016.

For the purposes of implementing subparagraph (E) of section 1886(m)(6) of the Act as provided by the CAA, we are revising our regulations at § 412.522(b)(2)(ii)(B)(2) to utilize the same administrative mechanisms used in the existing rural reclassification process for urban subsection (d) hospitals under § 412.103, described later in this section. We also will allow grandfathered LTCH HwHs (previously defined in this IFC) to apply to their RO for treatment as being located in a rural area for the sole purpose of qualifying for this temporary exclusion from the application of the site neutral payment rate.

For urban subsection (d) hospitals, and now temporarily LTCHs, we implemented the rural reclassification provision in the regulations at § 412.103. In general, the provisions of § 412.103 provides that a hospital that is located in an urban area may be reclassified as a rural hospital if it submits an application in accordance with our established criteria. It must also meet certain conditions which include the hospital being located in a rural census tract of a MSA or that the hospital is located in an area designated by any law or regulation of the state as a rural area or the hospital is designated as a rural hospital by state law or regulation. Paragraph (b) of § 412.103 sets forth application requirements for a hospital seeking reclassification as rural under that section, which includes a written application mailed to the CMS regional office (RO) that contains an explanation of how the hospital meets the condition that constitutes the request for reclassification, including data and documentation necessary to support the request. As provided in paragraphs (c) and (d) of § 412.103, the RO reviews the application and notifies the hospital of its approval or disapproval of the request within 60 days of the filing date, and a hospital that satisfies any of the criteria set forth § 412.103(a) is considered as being located in the rural area of the state in which the hospital is located as of that filing date.

We note that this policy would only allow grandfathered LTCH HwHs to apply for this reclassification, and the rural treatment would only extend to this temporary exception for certain wound care discharges from the site neutral payment rate (meaning a grandfathered HwH LTCH will not be treated as rural for any other reason including, but not limited to, the 25 percent policy and wage index). We also note that the any rural treatment under § 412.103 for a grandfathered HwH LTCH will expire at the same time as this temporary provision (that is, December 31, 2016).

We estimate that each application will require 2.5 hours of work from each LTCH (0.5 hours to fill out the application and 2 hours of recordkeeping). Based on the current information we have received from the MACs, out of the approximately 120 current LTCHs that existed in 1995, which is a necessary but not sufficient condition to be a grandfathered HWH, there are approximately 5 hospitals that currently meet the criteria of being a grandfathered HWH and would not be precluded from submitting an application. We note that as the MACs continue to update the list of grandfathered HWH that the number of potential applicants could increase. Since it is possible that the number of applicants could rise to 10 or more, in an abundance of caution, we treating this information collection as being subject to the PRA. Therefore, we estimate that the aggregate number of hours associated with this request across all currently estimated eligible hospitals will be 12.5 (2.5 hours per hospital for 5 hospitals). We estimate a current, average salary of $29 per hour (based on the "2015 Median usual weekly earnings (second quartile), Employed full time, Wage and salary workers, Management, professional, and related occupations" from the Current Population Survey, available here *http://www.bls.gov/webapps/legacy/cpswktab4.htm*) plus 100 percent for fringe benefits ($58 per hour). Therefore, we estimate the total one-time costs associated with this request will be $725 (12.5 hours × $58 per hour).

Written comments and recommendations from the public will be considered for this emergency information collection request if received by April 28, 2016. We are requesting OMB review and approval of this information collection request by May 5, 2016, with a 180-day approval period.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995*.
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*.
3. Call the Reports Clearance Office at (410) 786–1326.

If you comment on these information collection and recordkeeping requirements, please submit your comments electronically as specified in the **ADDRESSES** section of this interim final rule with comment period.

V. Regulatory Impact Analysis

We have examined the impact of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995, Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999) and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). We project that two rural LTCHs would qualify for the temporary exception to the site neutral payment rate for certain LTCHs for certain discharges provided by section 231 of the CAA, based on the best data available at this time. We are not able to determine which, if any, LTCHs may be treated as rural in the future by applying and being approved for a reclassification as rural under the provisions of § 412.103. Given that LTCHs are generally concentrated in more densely populated areas, we do not expect any LTCHs to qualify under § 412.103. As such, at this time, our projections related to the temporary exception to the site neutral payment rate for certain LTCHs for certain discharges provided by section 231 of the CAA, are limited to LTCHs that are geographically located in a rural area. As such, at this time, our projections related to the temporary exception to the site neutral payment rate for certain LTCHs for certain discharges provided by section 231 of the CAA, are limited to LTCHs that are geographically located in a rural area. Based on the most recent data for these two LTCHs, including the identification of FY 2014 LTCH discharges with a "severe wound" we estimate the monetary impact of this IFC with respect to that LTCH PPS provision is approximately a $5 million increase in aggregate LTCH PPS payments had this statutory provision not been enacted. This does not reach the economic threshold and this provision does not cause this IFC to be considered a major rule.

For the IPPS wage index portion of this IFC, we did not conduct an in-depth impact analysis because our revision to the regulatory text is a consequence of court decisions. The *Geisinger* decision invalidated the regulation at § 412.230(a)(5)(iii) effective July 23, 2015 for hospitals in states within the Third Circuit's jurisdiction, and the *Lawrence + Memorial* decision invalidated the regulation at § 412.230(a)(5)(iii) effective February 4, 2016 for hospitals in states within the Second Circuit's jurisdiction. That is, we did not have a choice to maintain the previously uniform regulations at § 412.230(a)(5)(iii) for hospitals in states within the Second and Third Circuits.

Furthermore, we do not believe we could necessarily estimate the national impact of removing the regulation at § 412.230(a)(5)(iii). We note that already in the FY 2017 IPPS/LTCH proposed rule, of the 3,586 IPPS hospitals listed on wage index Table 2, 867 hospitals have an MGCRB reclassification, and 57 hospitals have a reclassification to a rural area under § 412.103. (This table is discussed in the FY 2017 IPPS/LTCH proposed rule and is available on the CMS Web site at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AcuteInpatientPPS/index.html.* Click on the link on the left side of the screen titled, "FY 2017 IPPS Proposed Rule Home Page.) We cannot estimate how many additional hospitals will elect to apply to the MGCRB by September 1, 2016 for reclassification beginning FY 2018, and we cannot predict how many hospitals may elect to retain or acquire § 412.103 urban-to-rural reclassification over and above the hospitals that have already reclassified.

We also note that under § 412.64(e)(1)(ii), (e)(2), and (e)(4), increases in the wage index due to reclassification are implemented in a budget neutral manner (that is, wage index adjustments are made in a manner that ensures that aggregate payments to hospitals are unaffected through the application of a wage index budget neutrality adjustment described more fully in the FY 2017 IPPS/LTCH proposed rule). Therefore, as a result of the Third Circuit's decision in *Geisinger,* even though an urban hospital that may or may not already have a reclassification to another urban area under the MGCRB may be able to qualify for a reclassification to a more distant urban area with an even higher wage index, this would not increase aggregate IPPS payments (although the wage index budget neutrality factor applied to IPPS hospitals could be larger as a result of additional reclassifications occurring to higher wage index areas).

However, there are other Medicare payment provisions potentially impacted by rural status, such as payments to disproportionate share hospitals (DSHs), and non-Medicare payment provisions, such as the 340B Drug Pricing Program administered by HRSA, under which payments are not made in a budget neutral manner. Additional hospitals acquiring rural status under § 412.103 could, therefore, potentially increase Federal expenditures. Nevertheless, taking all of these factors into account, we cannot accurately determine an impact analysis as a result of the Third Circuit's decision in *Geisinger* and the Second Circuit's decision in *Lawrence + Memorial.*

The RFA also requires agencies to analyze options for regulatory relief of small entities if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. We estimate that most hospitals and most other providers and suppliers are small entities as that term is used in the RFA. The great majority of hospitals and most other health care providers and suppliers are small entities, either by being nonprofit organizations or by meeting the SBA definition of a small business (having revenues of less than $7.5 million to $38.5 million in any 1 year). (For details on the latest standards for health care providers, we refer readers to page 36 of the Table of Small Business Size Standards for NAIC 622 found on the SBA Web site at: *https://www.sba.gov/sites/default/files/files/Size_Standards_Table.pdf.*)

For purposes of the RFA, all hospitals and other providers and suppliers are considered to be small entities. Individuals and states are not included in the definition of a small entity. We believe that the provisions of this IFC may have an impact on some small entities, but for the reasons previously discussed in this IFC, we cannot conclusively determine the number of such entities impacted. Because we lack data on individual hospital receipts, we cannot determine the number of small proprietary LTCHs. Therefore, we are assuming that all LTCHs are considered small entities for the purpose of the RFA. MACs are not considered to be small entities. Because we acknowledge that many of the potentially affected entities are small entities, the discussion in this section regarding potentially impacted hospitals constitutes our regulatory flexibility analysis.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. With the exception of hospitals located in certain New England counties, for purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside a metropolitan statistical area and has fewer than 100 beds. Section 601(g) of the Social Security Amendments of 1983 (Pub. L. 98–21) designated hospitals in certain New England counties as belonging to the adjacent urban area. Thus, for purposes of the IPPS and the LTCH PPS, we continue to classify these hospitals as urban hospitals. For the IPPS portion of this IFC, no geographically rural hospitals are directly affected since only urban hospitals can reclassify to a rural area under § 412.103. However, we note that with regard to the wage index budget neutrality adjustments applied under § 412.64(e)(1)(ii), (e)(2), and (e)(4), rural IPPS hospitals would be affected to the extent that the reclassification budget neutrality adjustment increases, but this impact is no different than on urban IPPS hospitals, as the same budget neutrality factor is applied to all IPPS hospitals.

The provisions of section 231 of the CAA, which we are implementing in this IFC, by definition affect rural LTCHs that qualify, and will result in an increase in payment for those qualifying LTCHs' discharges that meet the definition of a severe wound. However, as previously discussed in this section, based on the data currently available, we estimate there are only two LTCHs that currently meet the criteria. Therefore, we do not believe the provision of section 231 of the CAA will have a significant impact on the operations of a substantial number of small rural LTCHs.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2016, that threshold is approximately $146 million. This IFC will have no consequential effect on state, local, or tribal governments, nor will it affect private sector costs.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a final rule that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has Federalism implications. Since this rule does not impose any costs on state or local governments, the requirements of Executive Order 13132 are not applicable.

In accordance with the provisions of Executive Order 12866, this IFC was reviewed by the Office of Management and Budget.

VI. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the DATES section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

List of Subjects in 42 CFR Part 412

Administrative practice and procedure, Health facilities, Medicare, Puerto Rico, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services amends 42 CFR chapter IV as follows:

PART 412—PROSPECTIVE PAYMENT SYSTEMS FOR INPATIENT HOSPITAL SERVICES

■ 1. The authority for part 412 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh), sec. 124 of Pub. L. 106–113 (113 Stat. 1501A–332), sec. 1206 of Pub. L. 113–67, and sec. 112 of Pub. L. 113–93.

■ 2. Section 412.230 is amended by—

■ a. Revising paragraph (a)(5)(ii).

■ b. Removing paragraph (a)(5)(iii).

■ c. Redesignating paragraph (a)(5)(iv) as paragraph (a)(5)(iii).

The revision reads as follows:

§ 412.230 Criteria for an individual hospital seeking redesignation to another rural area or an urban area.

(a) * * *

(5) * * *

(ii) A hospital may not be redesignated to more than one area, except for an urban hospital that has been granted redesignation as rural under § 412.103 and receives an additional reclassification by the MGCRB.

* * * * *

■ 3. Section 412.522 is amended by—

■ a. Redesignating paragraphs (b)(1) introductory text, (b)(1)(i) and (ii), and (b)(2) and (3) as paragraphs (b)(1)(i) introductory text, (b)(1)(i)(A) and (B), and (b)(1)(ii) and (iii), respectively.

■ b. Adding a paragraph heading for paragraph (b)(1).

■ c. Revising the paragraph heading for newly redesignated paragraph (b)(1)(i) introductory text.

■ d. In newly redesignated paragraph (b)(1)(i)(B), by removing the reference "paragraph (b)(2)" and adding the reference "paragraph (b)(1)(ii)" in its place and by removing the reference "paragraph (b)(3)" and adding the reference "paragraph (b)(1)(iii)" in its place.

■ d. In newly redesignated paragraph (b)(1)(ii), by removing the reference "paragraph (b)(1)" and adding the reference "paragraph (b)(1)(i)" in its place.

■ e. In newly redesignated paragraph (b)(1)(iii), by removing the reference "paragraph (b)(1)" and adding the reference "paragraph (b)(1)(i)" in its place.

■ f. Adding paragraph (b)(2).

The revision and additions read as follows:

§ 412.522 Application of site neutral payment rate.

(b) * * *

(1) *General criteria*—(i) *Basis and scope.* * * *

* * * * *

(2) *Special criteria*—(i) *Definitions.* For purposes of this paragraph (b)(2) the following definitions are applicable:

Severe wound means a wound which is a stage 3 wound, stage 4 wound, unstageable wound, non-healing surgical wound, infected wound, fistula, osteomyelitis or wound with morbid obesity as identified by the applicable code on the claim from the long-term care hospital.

Wound means an injury, usually involving division of tissue or rupture of the integument or mucous membrane with exposure to the external environment.

(ii) *Discharges for severe wounds.* A discharge that occurs on or after April 21, 2016 and before January 1, 2017 for a patient that was treated for a severe wound that meets the all of following criteria is excluded from the site neutral payment rate specified under this section:

(A) The severe wound meets the definition specified in paragraph (b)(2)(i) of this section.

(B) The discharge is from a long term care hospital that is—

(*1*) Described in § 412.23(e)(2)(i) and meets the criteria of § 412.22(f); and

(*2*) Located in a rural area (as defined at § 412.503) or reclassified as rural by meeting the requirements set forth in § 412.103.

* * * * *

Dated: April 7, 2016.

Andrew M. Slavitt,

Acting Administrator, Centers for Medicare & Medicaid Services.

Dated: April 14, 2016.

Sylvia M. Burwell,

Secretary, Department of Health and Human Services.

[FR Doc. 2016–09219 Filed 4–18–16; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 150121066–5717–02]

RIN 0648–XE566

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; inseason Angling category retention limit adjustment.

SUMMARY: NMFS has determined that the Atlantic bluefin tuna (BFT) daily retention limit that applies to vessels permitted in the Highly Migratory Species (HMS) Angling category and the HMS Charter/Headboat category (when fishing recreationally for BFT) should be adjusted for the remainder of 2016, based on consideration of the regulatory determination criteria regarding inseason adjustments. NMFS is adjusting the Angling category BFT daily retention limit to two school BFT and one large school/small medium BFT per vessel per day/trip for private vessels (*i.e.*, those with HMS Angling category permits); and three school BFT and one large school/small medium BFT per vessel per day/trip for charter vessels (*i.e.*, those with HMS Charter/Headboat permits when fishing recreationally). These retention limits are effective in all areas, except for the Gulf of Mexico, where NMFS prohibits targeted fishing for BFT.

DATES: Effective April 23, 2016 through December 31, 2016.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin or Brad McHale, 978–281–9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations established in the 2006 Consolidated Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006), as amended by Amendment 7 to the 2006 Consolidated HMS FMP (Amendment 7) (79 FR 71510, December 2, 2014), and in accordance with implementing regulations. NMFS is required under ATCA and the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest the ICCAT-recommended quota.

As a method for limiting fishing mortality on juvenile BFT, ICCAT recommends a tolerance limit on the annual harvest of BFT measuring less than 115 cm (straight fork length) to no more than 10 percent by weight of a Contracting Party's total BFT quota over the 2015 and 2016 fishing periods. The United States implements this provision by limiting the harvest of school BFT (measuring 27 to less than 47 inches) as appropriate to not exceed the 10-percent limit over the two-year period.

The currently codified baseline U.S. quota is 1,058.9 mt (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area). Among other things, Amendment 7 revised the allocations to all quota categories, effective January 1, 2015. See § 635.27(a). The currently codified Angling category quota is 195.2 mt (108.4 mt for school BFT, 82.3 mt for large school/small medium BFT, and 4.5 mt for large medium/giant BFT).

The 2016 BFT fishing year, which is managed on a calendar-year basis and subject to an annual calendar-year quota, began January 1, 2016. The Angling category season opened January 1, 2016, and continues through December 31, 2016. The size classes of BFT are summarized in Table 1. Please note that large school and small medium BFT traditionally have been managed as one size class, as described below, *i.e.,* a limit of one large school/small medium BFT (measuring 47 to less than 73 inches).

TABLE 1—BFT SIZE CLASSES

Size class	Curved fork length
School	27 to less than 47 inches (68.5 to less than 119 cm).
Large school	47 to less than 59 inches (119 to less than 150 cm).
Small medium	59 to less than 73 inches (150 to less than 185 cm).
Large medium	73 to less than 81 inches (185 to less than 206 cm).
Giant	81 inches or greater (206 cm or greater).

Currently, the default Angling category daily retention limit of one school, large school, or small medium BFT applies (§ 635.23(b)(2)). This retention limit applies to HMS Angling and to HMS Charter/Headboat category permitted vessels (when fishing recreationally for BFT). In 2014 and 2015, NMFS adjusted the daily retention limit from the default level of one school, large school, or small medium BFT to one school BFT and one large school/small medium BFT for private vessels (*i.e.,* those with HMS Angling category permits); and two school BFT and one large school/small medium BFT for charter vessels (*i.e.,* those with HMS Charter/Headboat permits when fishing recreationally), effective May 8, 2014, and May 15, 2015, respectively, through December 31 each year (79 FR 25707, May 6, 2014, and 80 FR27863, May 15, 2015).

Adjustment of Angling Category Daily Retention Limit

In adjusting the daily retention limit in this action, NMFS considered the factors required by regulatory criteria, as discussed in more detail, below.

Under § 635.23(b)(3), NMFS may increase or decrease the Angling category retention limit for any size class of BFT. Any adjustments to retention limits must be based on consideration of the relevant criteria provided under § 635.27(a)(8), which include: The usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock; the catches of the particular category quota to date and the likelihood of closure of that segment of the fishery if no adjustment is made; the projected ability of the vessels fishing under the particular category quota to harvest the additional amount of BFT before the end of the fishing year; the estimated amounts by which quotas for other gear categories of the fishery might be exceeded; effects of the adjustment on BFT rebuilding and overfishing; effects of the adjustment on accomplishing the objectives of the fishery management plan; variations in seasonal distribution, abundance, or migration patterns of BFT; effects of catch rates in one area precluding vessels in another area from having a reasonable opportunity to harvest a portion of the category's quota; review of dealer reports, daily landing trends, and the availability of the BFT on the fishing grounds; optimizing fishing opportunity; accounting for dead discards, facilitating quota monitoring, supporting other fishing monitoring programs through quota allocations and/or generation of revenue; and support of research through quota allocations and/or generation of revenue. Recreational retention limits may be adjusted separately for specific vessel type, such as private vessels, headboats, or charter vessels.

NMFS has considered these criteria and their applicability to the Angling category BFT retention limit for the remainder of 2016. These considerations include, but are not limited to, the following: Regarding the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock, biological samples collected from BFT landed by recreational fishermen continue to provide NMFS with valuable parts and data for ongoing scientific studies of BFT age and growth, migration, and reproductive status. Additional opportunity to land BFT would support the collection of a broad range of data for these studies and for stock monitoring purposes.

Another principal consideration in setting the retention limit is the objective of providing opportunities to harvest the full Angling category quota without exceeding it based on the goals of the 2006 Consolidated HMS FMP and Amendment 7, including to achieve optimum yield on a continuing basis and to optimize the ability of all permit categories to harvest their full BFT quota allocations. This retention limit would be consistent with the quotas established and analyzed in the BFT quota final rule (80 FR 52198, August 28, 2015), and with objectives of the 2006 Consolidated HMS FMP and amendments, and is not expected to negatively impact stock health or to affect the stock in ways not already analyzed in those documents. It is also important that NMFS limit landings to BFT subquotas both to adhere to the FMP quota allocations and to ensure that landings are as consistent as possible with the pattern of fishing mortality (*e.g.*, fish caught at each age) that was assumed in the projections of stock rebuilding.

Table 2 summarizes the recreational quota, subquotas, and landings information for 2014 and 2015 under the Angling category limits in effect for 2014 and 2015 (described above).

TABLE 2—ANGLING CATEGORY QUOTA, SUBQUOTAS, AND LANDINGS FOR 2014 AND 2015

	2014			2015		
	Quota and subquotas (mt)	Landings (mt)	Amount of quota and subquotas used (%)	Quota and subquotas (mt)	Landings (mt)	Amount of quota and subquotas used (%)
Angling category	182	107.4	59	195.2	113.1	58
School	94.9	24.7	26	108.4	26.2	24
Large School/Small Medium	82.9	77.6	94	82.3	80.2	97
Large Medium/Giant (Trophy)	4.2	5.1	113	4.5	6.7	149

The 2015 school BFT landings represent 2.4 percent of the total U.S. BFT quota for 2015, well under the ICCAT recommended 10-percent limit. Landings of school BFT in 2014, under the same adjusted limits, represented 2.6 percent of the total U.S. BFT quota for 2014. Given that the Angling category landings fell short of the available quota and based on the considerations of the regulatory criteria as described above, NMFS has determined that the Angling category retention limit applicable to participants on HMS Angling and HMS Charter/Headboat category permitted vessels should be adjusted upwards from the default level. NMFS has also concluded that implementation of separate limits for private and charter/headboat vessels remains appropriate, recognizing the different nature, socio-economic needs, and recent landings results of the two components of the recreational BFT fishery. For example, charter operators historically have indicated that a multi-fish retention limit is vital to their ability to attract customers. In addition, Large Pelagics Survey estimates indicate that charter/headboat BFT landings averaged approximately 30 percent of recent recreational landings for 2014 through 2015, with the remaining 70 percent landed by private vessels.

Therefore, for private vessels (*i.e.*, those with HMS Angling category permits), this action adjusts the limit upwards to two school BFT and one large school/small medium BFT per vessel per day/trip (*i.e.*, two BFT measuring 27 to less than 47 inches, and one BFT measuring 47 to less than 73 inches). For charter vessels (*i.e.*, those with HMS Charter/Headboat permits), this action adjusts the limit upwards to three school BFT and one large school/small medium BFT per vessel per day/trip when fishing recreationally for BFT (*i.e.*, three BFT measuring 27 to less than 47 inches, and one BFT measuring 47 to less than 73 inches). These retention limits are effective in all areas, except for the Gulf of Mexico, where NMFS prohibits targeted fishing for BFT. Regardless of the duration of a fishing trip (*e.g.*, whether a vessel takes a two-day trip or makes two trips in one day), no more than a single day's retention limit may be possessed, retained, or landed.

NMFS anticipates that the BFT daily retention limits in this action will result in landings during 2016 that would not exceed the available subquotas. Lower retention limits could result in substantial underharvest of the codified Angling category subquota, and increasing the daily limits further may risk exceeding the available quota, contrary to the objectives of the 2006 Consolidated HMS FMP, as amended. NMFS has concluded that increasing the school BFT retention limit for private and charter vessels relative to the adjusted limits for 2015 is possible without exceeding the annual school BFT subquota, given that the 2015 Angling category landings represented 58 percent of the codified Angling category quota and that school BFT landings represented 24 percent of the school BFT subquota. NMFS has also considered that 2016 is the second year of the two-year balancing period, over which the 10-percent tolerance limit on school BFT applies. NMFS is not setting higher school BFT limit for private and charter vessels due to the potential risk of exceeding the ICCAT tolerance limit on school BFT and other considerations, such as potential effort shifts to BFT fishing as a result of current, reduced recreational retention limits for New England groundfish and striped bass. NMFS will monitor 2016 landings closely and will make further adjustments, including closure if necessary, with an inseason action if warranted.

Monitoring and Reporting

NMFS will continue to monitor the BFT fisheries closely through the mandatory landings and catch reports. General, HMS Charter/Headboat, Harpoon, and Angling category vessel owners are required to report the catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or end of each trip, by accessing *hmspermits.noaa.gov*.

HMS Angling and HMS Charter/Headboat category permit holders may catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. Anglers are also reminded that all BFT that are released must be handled in a manner that will maximize survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the "Careful Catch and Release" brochure available at *www.nmfs.noaa.gov/sfa/hms/*.

Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional retention limit adjustments or closures are necessary to ensure available quota is not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. Subsequent actions, if any, will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (978) 281–9260, or access *hmspermits.noaa.gov*, for updates on quota monitoring and inseason adjustments.

Classification

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

Prior notice is impracticable because the regulations implementing the 2006 Consolidated HMS FMP, as amended, provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Based on available BFT quotas, fishery performance in recent years, and the availability of BFT on the fishing grounds, immediate adjustment to the Angling category BFT daily retention limit from the default levels is warranted to allow fishermen to take advantage of the availability of fish and of quota.

Fisheries under the Angling category daily retention limit are currently underway and thus prior notice would be contrary to the public interest. Delays in increasing daily recreational BFT retention limit would adversely affect those HMS Angling and Charter/Headboat category vessels that would otherwise have an opportunity to harvest more than the default retention limit of one school, large school, or small medium BFT per day/trip and may exacerbate the problem of low catch rates and quota rollovers. Analysis of available data shows that adjustment to the BFT daily retention limit from the default level would result in minimal risks of exceeding the ICCAT-allocated quota. NMFS provides notification of retention limit adjustments by publishing the notice in the **Federal Register**, emailing individuals who have subscribed to the Atlantic HMS News electronic newsletter, and updating the information posted on the Atlantic Tunas Information Line and on *hmspermits.noaa.gov.* Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For all of the above reasons, there is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under § 635.23(b)(3), and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: April 18, 2016.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–09283 Filed 4–20–16; 8:45 am]

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Proposed Rules

Federal Register
Vol. 81, No. 77
Thursday, April 21, 2016

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Part 29

RIN 1601–AA77

Updates to Protected Critical Infrastructure Information Program

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Department of Homeland Security (DHS) proposes to update its procedures for accepting Critical Infrastructure Information (CII) as a step towards meeting the challenges of evolving technology and identifying ways to make the PCII Program's protective measures more effective for information-sharing partnerships between the government and the private sector. The Critical Infrastructure Information Act of 2002 authorizes DHS to establish a program to accept information relating to critical infrastructure voluntarily submitted from the public, owners and operators of critical infrastructure, and State, local, tribal, and territorial governmental entities, while limiting public disclosure of that sensitive information under the Freedom of Information Act and other laws, rules, and processes. To implement this authority, DHS issued the "Procedures for Handling Critical Infrastructure Information" Final Rule in 2006. This Advance Notice of Proposed Rulemaking (ANPRM) provides an opportunity for DHS to hear and consider, during the development of new regulations to update DHS's PCII program, the views of the private and public sector, and other interested members of the public on their recommendations for program modifications, particularly subject matter areas that have developed significantly since the issuance of the initial rule, such as automated information sharing.

DATES: Written comments must be submitted on or before July 20, 2016.

ADDRESSES: You may submit comments, identified by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:*—U.S. Department of Homeland Security, National Protection and Programs Directorate, Office of Infrastructure Protection, Infrastructure Information Collection Division, 245 Murray Lane SW., Mail Stop 0602, Washington, DC 20528–0602.

FOR FURTHER INFORMATION CONTACT: Emily R. Hickey, Deputy Program Manager, by phone at (703) 235–9522 or by mail at Protected Critical Infrastructure Information Program, Office of Infrastructure Protection, Infrastructure Information Collection Division, 245 Murray Lane SW., Mail Stop 0602, Washington, DC 20528–0602.

SUPPLEMENTARY INFORMATION:

Abbreviations and Terms Used in This Document

ANPRM—Advance Notice of Proposed Rulemaking
CFR—Code of Federal Regulations
CII—Critical Infrastructure Information
CII Act of 2002—Critical Infrastructure Information Act of 2002
DHS—Department of Homeland Security
PCII—Protected Critical Infrastructure Information

I. Background

The Department of Homeland Security receives sensitive information about the nation's critical infrastructure through its congressionally-mandated PCII Program. The PCII Program provides a secure environment for the private sector, government analysts, and other subject matter experts to share information that is vital to addressing concerns across all critical infrastructure sectors. The Critical Infrastructure Information Act of 2002 (Sections 211–215, Title II, Subtitle B of the Homeland Security Act of 2002, Pub. L. 107–296) (CII Act of 2002) established the PCII Program, which assures owners and operators that the information they voluntarily submit is protected from public disclosure. Only trained PCII Authorized Users, with a specific "need-to-know", can access PCII and use it only for homeland security purposes. In accordance with the CII Act of 2002, on September 1, 2006, DHS issued the PCII Program Final Rule (71 FR 52271, codified at 6 CFR part 29). This rule established procedures that govern the receipt, validation, handling, storage, marking, and use of critical infrastructure information voluntarily submitted to DHS. The procedures are applicable to all Federal, State, local, tribal, and territorial government agencies and contractors that have access to, handle, use, or store critical infrastructure information that enjoys protection under the CII Act of 2002.

After 10 years of operation, changes are needed to transition the managing of submissions, access, use, dissemination and safeguarding of PCII to state of the art technology that operates within an electronic environment. Throughout this ANPRM DHS discusses and seeks comment on the economic impact of transitioning the PCII Program to a preferred electronic environment that: (1) Enhances the submission and validation process for critical infrastructure information, (2) uses state of the art technology for an automated interface for quicker access and dissemination of PCII, (3) modifies requirements for the express and certification statements; (4) expands the use of categorical inclusions; (5) requires portion marking of PCII; and (6) implements specific methods to capture and deliver metadata to the PCII Program.

This ANPRM also seeks comment on proposals to revise the overall approach for: (1) Automated submissions and an expansion of categorical inclusions, (2) marking PCII, (3) sharing PCII with foreign governments, (4) regulatory access, (5) safeguarding, (6) oversight and compliance, (7) alignment with other information protection programs, and (8) the administration of PCII at the State, local, tribal, and territorial level.

The CII Act of 2002 requires that all voluntary submissions (physical and electronic) of CII, for which protection is requested, are submitted to DHS, directly or indirectly, include an "express statement" and a "certification statement" with each submission. The "express statement" informs the PCII Program Office that the information in question is being voluntarily submitted to the Federal government in expectation of protection from disclosure as provided by the provisions of the CII Act of 2002. The "certification statement" includes the submitter's contact information and certifies that the information in question is not customarily in the public domain and is not being submitted in lieu of complying with a regulatory requirement. This ANPRM seeks comments on automating the submission process so that the transition to a preferred electronic environment captures the "express statement" and "certification statement" in an efficient manner.

Additionally, the ANPRM seeks comments on expanding submissions of CII through categorical inclusions and developing a consistent method for collecting the metadata on those categorical inclusions. "Categorical inclusions" are a means of creating a class of presumptively valid information, thus expediting the process of acceptance as PCII. The PCII Program Manager has the discretion to declare certain subject matter or types of information categorically protected as PCII and to set procedures for the receipt and processing of that information. CII submitted within a categorical inclusion will be considered validated upon receipt by the PCII Program Office or any of the Designees without further review, provided the submitter includes an "express statement" and the PCII Program Manager has pre-validated that type of information as PCII. The PCII Program Manager must appoint a Designee before an entity can establish a categorical inclusion. Currently, only Federal entities or systems or programs managed and overseen by a Federal employee can make use of the categorical inclusion.

The regulations at 6 CFR part 29 also authorize DHS (or the PCII Program Manager) to establish procedures to ensure that any DHS component or other Federal, State, local, tribal, or territorial entity that works with PCII understands and implements the policy and procedural requirements necessary to appropriately receive, use, disseminate, and safeguard PCII in compliance with the requirements of the CII Act and the associated regulations. Since the publication of the PCII Final Rule, the program has met several significant milestones and receives ongoing nationwide participation from Federal, State, local, tribal, and territorial partners. To date, the PCII Program has received submissions from owners and operators across all 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or cyber, are considered so vital to the United States that their degradation, incapacitation or destruction would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.

As the PCII Program continues to expand throughout the nation, the PCII Program Office has to extend its efforts to perform effective oversight and compliance, accurate identification of PCII in a variety of materials, access and safeguarding of PCII, statistical reporting, and the tracking of PCII shared and disseminated within the critical infrastructure community.

II. Written Comments

A. In General

This ANPRM provides an opportunity for DHS to hear and consider the views of owners and operators of critical infrastructure and other interested members of the public on their recommendations for PCII Program modifications and improvements.

DHS invites interested persons to submit written comments, data, or views on how the current PCII Program regulations, codified at 6 CFR part 29, "Procedures for Handling Critical Infrastructure Information," might be improved. Comments that would be most helpful to DHS include the questions and answers identified in Part III of this document. Please explain the reason for any comments with available data, and include other information or authority that supports such comments. DHS encourages interested parties to provide specific data that documents the potential costs of modifying the existing rule requirements pursuant to the commenter's suggestions; the potential quantifiable benefits including security and societal benefits of modifying the existing regulatory requirements; and the potential impacts on small entities of modifying the existing regulatory requirements.

DHS requests that commenters discuss potential economic impacts, whenever possible, in terms of quantitative benefits and costs when providing feedback on this ANPRM. DHS also requests that commenters provide any special circumstances related to small entities or uniquely high costs that small entities may bear.

DHS requests that commenters discuss economic impacts in as specific terms as possible. For example, if a policy change would necessitate additional employee training, then helpful information would include the following: the training courses necessary; the types of employees or contractors who would receive the training; topics covered; any retraining necessary; and the training costs if conducted by a third-party vendor or in-house trainer. DHS invites comment on the time and level of expertise required to implement commenter suggestions, even if dollar-cost estimates are not available.

DHS requests that commenters discuss economic impacts concerning the transition of the PCII Program to a preferred electronic environment. In addressing the transition from the paper environment to the electronic environment, DHS encourages interested parties to provide specific data that documents the potential costs of transforming the PCII Program to an electronic environment. DHS is seeking information on potential quantifiable benefits including security and societal benefits of the transition and cost data on the potential impact of the transition and how a preferred electronic environment could impact the number of voluntary submittals. In particular, DHS is seeking comment on how many potential submitters would not have access to the internet and any costs relating to expenses associated with obtaining internet access for those entities without such access. This could include internet fees and any costs for applicable software and training that would be necessary to facilitate electronic submission of critical infrastructure information for protection as PCII or travel costs (time and mileage costs) needed to acquire a location with internet access. Commenters might also address how DHS can best obtain and consider accurate, objective information and data about the costs, burdens, and benefits of automating the PCII Program and whether there are lower cost alternatives that would allow DHS to achieve its goal of automating the PCII Program.

Feedback that simply states a stakeholder feels strongly that DHS should modify the PCII Program, without including actionable data, including how the proposed change would impact the costs and benefits of the PCII Program, is much less useful to DHS. To help DHS organize and review all comments, please identify the relevant provision of 6 CFR part 29 that relates to the specific comment provided (*e.g.,* 6 CFR 29.9 (d) Criminal and administrative penalties). Commenters may comment on topics related to the current 6 CFR part 29 not included in this ANPRM as well as those questions posed in this ANPRM.

Written comments may be submitted electronically or by mail, as explained previously in the **ADDRESSES** section of this ANPRM. To avoid duplication, please use only one of these methods to submit written comments.

Except as provided below, all comments received, as well as pertinent background documents, will be posted without change to *http://www.regulations.gov,* including any personal information provided.

B. Handling of Proprietary or Business Sensitive Information

Interested parties are encouraged to submit comments in a manner that avoids discussion of trade secrets, confidential commercial or financial information, CII or PCII, or any other category of sensitive information that should not be disclosed to the general public. If it is not possible to avoid such discussion, however, please specifically identify any confidential or sensitive information contained in the comments with appropriate warning language (*e.g.,* any PCII must be marked and handled in accordance with the requirements of 6 CFR 29.5 through 29.7) and submit them by mail to the PCII Program Manager listed in the **FOR FURTHER INFORMATION CONTACT** section.

DHS will not place any confidential or sensitive comments in the public docket; rather, DHS will handle them in accordance with applicable safeguards and restrictions on access. *See, e.g.,* 6 CFR 29.5 through 29.7. *See also* the DHS PCII Procedures Manual ("Protected Critical Infrastructure Information Program," April 2009, located on the DHS Web site at *www.dhs.gov/protected-critical-infrastructure-information-pcii-program*). DHS will hold any such comments in a separate file to which the public does not have access, and place a note in the public docket that DHS has received such materials from the commenter. DHS will provide appropriate access to such comments upon request to individuals who meet the applicable legal requirements for access to such information.

III. Questions for Commenters

The transition from a paper-based PCII Program to a preferred electronic PCII Program must be addressed and managed on many different and complex levels: Administratively, financially, culturally, technologically, and institutionally. This ANPRM seeks comments on making the transition to a preferred electronic PCII Program that is practicable. This ANPRM's goal is to adopt solutions that streamline workflow performance rather than continuing existing processes that are becoming outdated.

To help DHS identify ways, if any, to improve the manner in which it administers PCII, DHS seeks public comments on any and all aspects of 6 CFR part 29. This ANPRM seeks comments from all interested parties and subject matter experts and other private and public organizations associated within the Information Technology and cyber security fields. Areas that DHS is most interested in receiving comments on include, but are not limited to, the following:

a. *Automated Submissions.* Currently, all submitters are required to include an "express statement" and a "certification statement" with each CII submission (physical and electronic). This ANPRM seeks comments on modifying this requirement to allow multiple associated CII submissions under one "express statement" and "certification statement." Comments 1 through 3 concern the automated submissions of express and certification statements, comments 4 through 5 concern internal and external statistical reporting, and comments 6 through 9 concern the expansion of categorical inclusions. Specifically, we are requesting:

(1) Comments on how to enhance the submission methods for critical infrastructure information and automate sharing via structured information expression profiles and electronic exchange protocols such as the Structured Threat Information eXpression (STIX) and the Trusted Automated eXchange of Indicator Information (TAXII);

(2) Comments on whether an updated PCII rule should permit multiple submissions of information under one express statement and certification statement enabling the submission of multiple documents by an organization over the course of several weeks or months, all relating to an identified incident, and whether such submission should be treated and tracked as one submission;

(3) Comments on whether an updated PCII rule should allow submissions in a purely electronic format that includes an electronic express statement and certification statement in order to simplify the submission of large data sets in particular, such as electronic submissions with a large volume of data potentially indicating a compromise of a critical information system;

(4) Currently, the PCII Program does not have an automated process for collecting statistical information on each submission. For this reason, this ANPRM seeks comments outlining whether and to what extent an automated submission process should incorporate auditing and statistical reporting requirements to increase transparency of the frequency and types of data being submitted to the program;

(5) Currently, the PCII Program does not facilitate the submitter's ability to request and receive audits or access data relating to the submission. This ANPRM seeks comments addressing any process amendments or program enhancements to effectively implement automated submission processing in order to facilitate the submitter's ability to request and receive timely audits of access to the submissions and to withdraw the data submitted to the program via an automated process;

(6) Comments about what effect, if any, an updated PCII Program would have on enabling broader sharing and analysis among other trusted recipients of cyber threat and risk data, including potential concerns related to protecting sources and methods;

(7) Comments on the extent to which specific programmatic-submission use cases that define data collection needs should be developed and established as categorical inclusions in specific data exchange activities in order to increase the submitters' community use and ease of submission in the PCII submission process, and to foster broader use of the PCII Program; and

(8) Categorical inclusions enjoy a presumption of protection for CII relating to certain subject matters that the PCII Program Manager declares as PCII. Additionally, the PCII Program Manager sets procedures for receipt and processing of such information. This ANPRM seeks comments on the extent to which specific programmatic-submission use cases should be developed and established as categorical inclusions in order to normalize a range of permissible and impermissible uses for specific types of data shared as PCII; and

(9) Currently, categorical inclusions exist in Federal governmental entities. This ANPRM seeks comments on expanding categorical inclusions to the State governmental level to increase the range of submissions, enhance the efficiency of information sharing, and make the protection of critical infrastructure information more effective.

b. *Marking/Portion Marking*—The purpose of the portion marking process is to identify what information within a submission of critical infrastructure information should be protected. Presently, submitters are not required to portion mark the submitted information. The PCII Program Office does not currently mark portions of submitted information as PCII or non-PCII within the steps of the validation process. If the submitted information is validated as PCII, the entire submission is given protection as PCII. Additionally, metadata practices are not streamlined so that it is received in a uniform process. This ANPRM seeks comments regarding the marking of PCII as it relates to the Controlled Unclassified Information (CUI) framework, to include comments on portion marking of original PCII, and the marking of PCII metadata.

c. *Sharing PCII with Foreign Governments*—To date the PCII Program does not share PCII with foreign governments, however it is possible to do so through sharing agreements. This ANPRM seeks comments regarding the sharing of PCII with trusted international partners identified through sharing agreements to support the critical infrastructure protection and resilience efforts of the United States and partner governments.

d. *Regulatory Purposes*—Comments on whether the current information in 6 CFR part 29 is sufficient to describe the restriction on regulatory access to PCII. See sections 29.2(k) and 29.3 of 6 CFR part 29.

e. *Safeguarding*—Comments on all aspects of PCII safeguarding, including comments on storage, violations of unauthorized disclosure, dissemination, tracking and use of PCII, and destruction of same.

f. *Oversight and Compliance*—Currently, oversight and compliance within the PCII Program ensures that all critical infrastructure activities are in accordance with the CII Act of 2002 and 6 CFR part 29. This ANPRM seeks comments relating to broadening the oversight and compliance of the PCII Program to enhance assessment and measure the effectiveness of compliance with PCII Program policies, procedures and practices.

g. *Alignment with other information protection programs*—Comments regarding how DHS may be able to better align the PCII Program with other existing information protection and sharing programs, such as the Transportation Security Administration's Sensitive Security Information program, the Department of Homeland Security's Chemical-Terrorism Vulnerability Information program, and the National Archives and Records Administration Controlled Unclassified Information Program, including comments on any duplication or overlap that may exist between the PCII Program and another information protection programs. When providing comments on this topic, DHS encourages commenters to provide the specific citations to any information protection programs that may duplicate or overlap with the PCII requirements as well as a specific description of the duplicative or overlapping requirement.

h. *Administration of PCII Program in States*—Comments on streamlining the administration of the PCII Program within State, local, tribal, and territorial entities by including State, local, tribal, and territorial Homeland Security Advisors in the management of the PCII Program so that states are accredited in their entirety and aligned with the requirements of the PCII Program.

In each of the above cases, DHS also requests that the commenter provide, in as much detail as possible, an explanation why the procedures should be modified, streamlined, expanded, or removed, as well as specific suggestions of the ways DHS can better achieve its protective objectives for sharing information about the nation's critical infrastructure.

In addressing these topics, DHS encourages interested parties to provide specific data that documents the potential costs of modifying the existing regulatory requirements pursuant to the commenter's suggestions; the potential quantifiable benefits including security and societal benefits of modifying the existing procedures; and the potential impacts on small businesses of modifying the existing regulatory requirements. Commenters might also address how DHS can best obtain and consider accurate, objective information and data about the costs, burdens, and benefits of the PCII Program and whether there are lower cost alternatives that would allow DHS to continue to achieve its goal of protecting sensitive security information on the nation's critical infrastructure consistent with the CII Act of 2002.

Jeh Charles Johnson,

Secretary.

[FR Doc. 2016–09186 Filed 4–20–16; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

RIN 0648–BF99

Intent To Conduct Scoping and Prepare a Draft Environmental Assessment for Changes in Regulations for Greater Farallones and Cordell Bank National Marine Sanctuaries

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of intent to conduct scoping, hold public scoping meetings, and prepare an environmental assessment.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) expanded the boundaries of Gulf of the Farallones National Marine Sanctuary (now renamed Greater Farallones National Marine Sanctuary or GFNMS) and Cordell Bank National Marine Sanctuary (CBNMS) to an area north and west of their previous boundaries with a final rule published on March 12, 2015. The final rule entered into effect on June 9, 2015. Pursuant to a request from USCG, NOAA is considering developing future rulemaking to allow the following USCG discharges within part or all of GFNMS and CBNMS: 1. Untreated vessel sewage, 2. vessel graywater that does not meet the definition of clean as defined by the Federal Water Pollution Control Act (FWPCA), and 3. ammunition and pyrotechnics (flare) materials used in USCG training exercises for use of force and search and rescue. NOAA will conduct public scoping meetings to gather information and other comments to determine the relevant scope of issues and range of alternatives to be addressed in the environmental process from individuals, organizations, tribes, and government agencies on this topic. The scoping meetings are scheduled as detailed below.

DATES: Written comments should be received on or before May 31, 2016.

Scoping meetings will be held on:

1. May 10, 2016, 6 p.m.
2. May 11, 2016, 6 p.m.
3. May 12, 2016, 6 p.m.

ADDRESSES: You may submit comments on this document, identified by NOAA–NOS–2016–0043, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA–NOS–2016–0043*, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- *Mail:* Maria Brown, Superintendent, Greater Farallones National Marine Sanctuary, 991 Marine Drive, The Presidio, San Francisco, CA 94129.
- *In Person:* At any of the following scoping meetings:

1. San Francisco Bay Area—U.S. Army Corps of Engineers, Bay Model Visitor Center, 2100 Bridgeway, Blvd., Sausalito, CA 94965 (May 10, 2016).
2. Bodega Bay Fire Protection District, 510 Highway One, Bodega Bay, CA 94923(May 11, 2016).
3. Gualala Community Center, 47950 Center Street, Gualala, CA 95445 (May 12, 2016).

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NOAA. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.*, name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NOAA will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Maria Brown, Greater Farallones National Marine Sanctuary Superintendent, at *Maria.Brown@noaa.gov* or 415–561–6622.

SUPPLEMENTARY INFORMATION:

Background

NOAA is charged with managing marine protected areas as the National Marine Sanctuary System (16 U.S.C. 1431 (b)(1)). The Office of National Marine Sanctuaries (ONMS) is the federal office within NOAA that manages the National Marine Sanctuary System. The mission of ONMS is to identify, protect, conserve, and enhance the natural and cultural resources, values, and qualities of the National Marine Sanctuary System for this and future generations throughout the nation. ONMS serves as the trustee for 15 marine protected areas, among them GFNMS and CBNMS. GFNMS was designated in 1981 and protects approximately 3,295 square miles (2,488 square nautical miles). CBNMS was designated in 1989 and protects approximately 1,286 square miles (971 square nautical miles). The final rule entered into effect on June 9, 2015(80 FR 34047).

At that time, NOAA postponed the effectiveness of the discharge requirements in both sanctuaries' regulations with regard to U.S. Coast Guard activities for six months. An additional six month postponement of the effectiveness of the discharge requirements was published in the **Federal Register** on December 1, 2015, to provide adequate time for completion of an environmental assessment and to determine NOAA's next steps. Without further NOAA action, the discharge regulations would become effective with regard to USCG activities June 9, 2016.

Both sanctuaries' regulations prohibit discharging or depositing, from within or into the sanctuary, any material or other matter (15 CFR 922.82(a)(2–3) and 15 CFR 922.112(a)(2)(i–ii)). Several other national marine sanctuaries also have these regulatory prohibitions. The discharge prohibitions are aimed at maintaining and improving water quality within national marine sanctuaries to enhance conditions for the living marine resources within the sanctuaries. The discharge regulations have exemptions; those relevant for the proposed action include:

—For a vessel less than 300 gross registered tons (GRT), or a vessel 300 GRT or greater without sufficient holding tank capacity to hold sewage while within the sanctuary, clean effluent generated incidental to vessel use by an operable Type I or II marine sanitation device that is approved in accordance with section 312 of the Federal Water Pollution Control Act, as amended (FWPCA); marine sanitation devices must be locked in a manner that prevents discharge or deposit of untreated sewage (§ 922.82(a)(2)(ii) and § 922.112(a)(2)(i)(B));

—for a vessel less than 300 GRT, or a vessel 300 GRT or greater without sufficient holding tank capacity to hold graywater while within the sanctuary, clean graywater as defined by section 312 of the FWPCA (§ 922.82(a)(2)(iv) and § 922.112(a)(2)(i)(D)); and

—activities necessary to respond to an emergency threatening life, property or the environment (§ 922.82(c) and § 922.112(b)).

The USCG, part of the U.S. Department of Homeland Security, is a military service and a branch of the armed forces (14 U.S.C. 1), charged with carrying out eleven maritime safety, security and stewardship missions.

One key mission of the USCG is to enforce or assist in the enforcement of all applicable Federal laws on, under, and over the high seas and waters subject to the jurisdiction of the United States. As part of this mission, the USCG supports resource protection efforts within GFNMS and CBNMS by providing surveillance of activities within the sanctuaries and enforcement of the National Marine Sanctuaries Act (NMSA) and other laws. The USCG has authority to enforce the NMSA under 14 U.S.C. 2 and 14 U.S.C. 89. Law enforcement activities for the two sanctuaries are also conducted by other agencies, primarily NOAA's Office of Law Enforcement and the California Department of Fish and Wildlife. In GFNMS the National Park Service and several local agencies also conduct law enforcement activities.

The USCG also leads incident planning and response activities for oil spills and other incidents in U.S. coastal and ocean waters. These activities are necessary components of GFNMS and CBNMS management. Other USCG missions that support national marine sanctuary management include ports, waterways and coastal security; aids to navigation, including tending buoys; search and rescue; living marine resources; marine safety; and marine environmental protection. The USCG may concurrently conduct activities to support more than one of its missions when operating vessels within or aircraft above GFNMS and CBNMS.

In the course of the rulemaking to expand GFNMS and CBNMS, NOAA received a letter dated February 4, 2013, from the USCG stating that the sewage and graywater discharge prohibitions proposed for the GFNMS and CBNMS expansion areas had the potential to impair the ability of USCG vessels to conduct operational missions in the proposed enlarged sanctuaries and to stay "mission ready". In 2014, USCG and NOAA re-initiated discussions to try to address all types of discharges from the training activities and the sewage and graywater discharges from other missions and routine patrols in both GFNMS and CBNMS. Subsequently, NOAA and the USCG entered into interagency consultations in January 2015 to address both agencies' concerns. NOAA published the final rule for the expansion of GFNMS and CBNMS on March 12, 2015 (80 FR 13078), in the **Federal Register** and the rule became effective on June 9, 2015 (80 FR 34047).

At issue are the discharge regulations in both sanctuaries and USCG compliance with these regulations during routine vessel operations and during training exercises designed to make USCG personnel ready for search and rescue missions and use of force missions using live fire exercises. NOAA is concerned with protecting sanctuary resources and habitats, resolving any conflicts that could occur among sanctuary user groups (*e.g.,* fishing and USCG live fire training), and ensuring continued USCG enforcement of sanctuary regulations.

To ensure the rule did not impair USCG operations necessary to fulfill its multi-purpose missions while the agencies were in consultation, the document postponed for six months the effective date for the discharge requirements in the expansion areas for both sanctuaries with regard to USCG activities. NOAA committed to considering exempting certain USCG discharge activities from the GFNMS and CBNMS regulations. An additional six month postponement of the effectiveness of the discharge requirements was published in the **Federal Register** December 1, 2015, to provide adequate time for completion of an environmental assessment and to determine NOAA's action. Without further NOAA action, the discharge regulations would become effective with regard to USCG activities on June 9, 2016.

Potential Options

NOAA is exploring a variety of options on how to best protect sanctuary resources while ensuring the operational capacity for USCG to conduct mission-essential activities. NOAA has identified two options for this: 1. Changing the regulations to allow USCG discharges; and 2. issuing a national marine sanctuary general permit, if the activity is eligible for a permit and is conducted in accordance with the terms and conditions in the permit (see *http://sanctuaries.noaa.gov/management/permits/*). In either case, discharges could be allowed in all waters of the sanctuaries; only in Federal waters (further than 3 nautical miles from shore); in certain zones delineated based on biological factors (such as oceanographic features or density of significant species) and other factors (such as high use for recreation, shipping, or other human activities); in the expanded waters of CBNMS and GFNMS based on the March 12, 2015 rulemaking; or not at all. NOAA is interested in receiving public comment on the best way to address the need for continued USCG operations in CBNMS and GFNMS while fulfilling its primary objective of resource protection in national marine sanctuaries.

Request for Information

NOAA anticipates that these changes, whether regulatory or non-regulatory will require preparation of an environmental assessment under the National Environmental Policy Act (NEPA). Therefore, NOAA is also interested in receiving public comment that could contribute to the environmental analysis that will be prepared for this action; specifically, information related to the potential impacts of Coast Guard operational vessel discharges of sewage and graywater and training discharges within GFNMS and CBNMS on biological, physical and oceanographic features of the sanctuaries as well as on human activities taking place in the sanctuaries.

Timeline

The process for this action is composed of four major stages: 1. Information collection and characterization (scoping); 2. preparation and release of a draft environmental assessment under NEPA, and any proposed amendments to the regulations if appropriate; 3. public review and comment; 4. preparation and release of a final environmental assessment, and any final amendments to the regulations if appropriate. This document also advises the public that NOAA will coordinate any consultation responsibilities under section 7 of the Endangered Species Act (ESA), Essential Fish Habitat (EFH) under the Magnuson Stevens Fishery Conservation and Management Act (MSA), section 106 of the National Historic Preservation Act (NHPA, 16 U.S.C. 470), and Federal Consistency review under the Coastal Zone Management Act (CZMA), along with its ongoing NEPA process including the use of NEPA documents and public and stakeholder meetings to also meet the requirements of other federal laws.

In fulfilling its responsibility under the NHPA and NEPA, NOAA intends to identify consulting parties; identify historic properties and assess the effects of the undertaking on such properties; initiate formal consultation with the State Historic Preservation Officer, the Advisory Council of Historic Preservation, and other consulting parties as appropriate; involve the public in accordance with NOAA's NEPA procedures, and develop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects on historic properties as appropriate and describe them in any environmental assessment or draft environmental impact statement.

Authority: 16 U.S.C. 1431 *et seq.*

Dated: April 15, 2016.

John Armor,

Acting Director for the Office of National Marine Sanctuaries.

[FR Doc. 2016–09248 Filed 4–20–16; 8:45 am]

BILLING CODE 3510–NK–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2016–0132; FRL–9945–08–Region 6]

Approval and Promulgation of Implementation Plans; State of Louisiana; Revisions to the State Implementation Plan; Fee Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Louisiana State Implementation Plan (SIP) related to the Fee Regulations section of the Louisiana SIP that were submitted by the State of Louisiana on February 23, 2016. The EPA has evaluated the SIP submittal from Louisiana and preliminarily determined these revisions are consistent with the requirements of the Clean Air Act (Act or CAA). The EPA is proposing this action under section 110 of the Act.

DATES: Written comments should be received on or before May 23, 2016.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2016–0132, at *http://www.regulations.gov* or via email to *donaldson.tracie@epa.gov.* For additional information on how to submit comments see the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Tracie Donaldson, 214–665–6633, *donaldson.tracie@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Tracie Donaldson or Bill Deese at 214–665–7253.

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, the EPA is approving the State's SIP submittal as a direct rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated. If the EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: April 6, 2016.

Ron Curry,

Regional Administrator, Region 6.

[FR Doc. 2016–09065 Filed 4–20–16; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 424

[Docket Nos. FWS–HQ–ES–2015–0016; DOC 150506429–5429–01; 4500030113]

RIN 1018–BA53; 0648–BF06

Endangered and Threatened Wildlife and Plants; Revisions to the Regulations for Petitions

AGENCY: U.S. Fish and Wildlife Service (FWS), Interior; National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; revision and reopening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (Services), announce revisions to the May 21, 2015, proposed rule that would revise the regulations pertaining to submission of petitions and the reopening of the public comment period. In this document, we are setting forth modified proposed amendments to the regulations based on comments and information we received during the May 21, 2015, proposed rule's public comment period. We are reopening the comment period to allow all interested parties an opportunity to comment on these revisions, as described in this document, and on the information collection requirements. Comments previously submitted need not be resubmitted, as they have been considered in development of this revised proposed rule and will be fully considered in preparation of the final rule.

DATES: We will consider comments received or postmarked on or before May 23, 2016. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date. Comments on the information collection aspects of this proposed rule must be received on or before May 23, 2016.

ADDRESSES: *Comments on the Proposed Rule.* You may submit comments by one of the following methods:

- *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter the docket number for this proposed rule, which is FWS–HQ–ES–2015–0016. Then click on the Search button. In the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on "Comment Now!" Please ensure that you have found the correct document before submitting your comment.
- *By hard copy:* Submit by U.S. mail or hand delivery to: Public Comments Processing, Attn: Docket No. FWS–HQ–ES–2015–0016; U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Request for Information, below, for more information).

If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this personal identifying information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.*

Comments on the Information Collection Aspects of the Proposed Rule: You may review the Information Collection Request online at *http://www.reginfo.gov.* Follow the instructions to review Department of the Interior collections under review by the Office of Management and Budget (OMB). Send comments (identified by 1018–BA53) specific to the information collection aspects of this proposed rule to both the:

- Desk Officer for the Department of the Interior at OMB–OIRA at (202) 295–5806 (fax) or *OIRA_Submission@omb.eop.gov* (email); and
- Service Information Collection Clearance Officer; Division of Policy, Performance, and Management Programs; U.S. Fish and Wildlife Service, MS: BPHC; 5275 Leesburg Pike; Falls Church, VA 22041–3803 (mail); or *hope_grey@fws.gov* (email).

FOR FURTHER INFORMATION CONTACT: Bridget Fahey, U.S. Fish and Wildlife Service, Division of Conservation and Classification, 5275 Leesburg Pike, Falls Church, VA 22041–3803, telephone 703–358–2171, facsimile 703–358–1735; or Angela Somma, National Marine Fisheries Service, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910, telephone 301–427–8403. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

On May 21, 2015, the Services proposed revising the regulations at 50 CFR 424.14 concerning petitions to improve the content and specificity of petitions and to enhance the efficiency and effectiveness of the petition process to support species conservation (80 FR 29286). Our revisions to § 424.14 are intended to clarify and enhance the procedures and standards by which the Services will evaluate petitions under section 4(b)(3) of the Endangered Species Act of 1973, as amended (ESA or Act; 16 U.S.C. 1531 *et seq.*), and to provide greater clarity to the public on the petition-submission process and, thereby, assist petitioners in providing complete, robust petitions. The proposed changes will improve the quality of petitions through expanded content requirements and guidelines, and, in so doing, better focus the Services' resources on species that merit further analysis. However, in response to the comments and information we received during the May 21, 2015, proposed rule's public comment period, the Services are revising the proposed rule to streamline the process for according States notice of petitions, to reduce the amount of information that would need to be submitted with petitions, and to provide additional clarifications. It is our intent to discuss here only those topics directly relevant to the changes we are making to the proposed rule. Additional background information, along with the Services' rationales and explanations of the intended meaning of the proposed regulatory text generally, can be found in the proposed rule published on May 21, 2015 (80 FR 29286).

Changes From the May 21, 2015, Proposed Rule

General

For clarity and simplicity, we make small revisions in language in the proposed regulation text. These changes include:

- Throughout the proposed regulation text we replace the title "the Secretary" or "the Secretaries" with "the Services," as the Services are the designees of the Secretaries of Commerce and the Interior, respectively, in implementing the Act.
- We revise the headings for § 424.14(c) and (d) to make them more uniform and clear; in this rule, those headings are "*Information to be included in petitions to add or remove species from the lists, or change the listed status of a species*" and "*Information to be included in petitions to revise critical habitat,*" respectively.
- In § 424.14(c)(3), we replace the phrase "and, if so, how, including a description of the magnitude and imminence of the threats" with the phrase "and, if so, how high in magnitude and how imminent the threats to the species and its habitat are," for clarity.
- We expand the phrase "available data layers if feasible" in proposed § 424.14(d)(1) to "sufficient supporting information to substantiate the requested changes, which may include Geographic Information System (GIS) data or boundary layers that relate to the request, if appropriate," for additional clarity.
- In proposed § 424.14(d)(2), we replace the phrase "A description of physical or biological features essential for the conservation of the species" with the phrase "A description of any proposed revision to the already-identified physical or biological features essential for the conservation of the species," for clarity.
- In § 424.14(g)(1)(iii), we replace the phrase "in light of any prior determinations by the Secretary for the species" with "in light of any prior reviews or findings the Services have made on the listing status of the species" to clarify that context for petition findings comes not only from previous final decisions to list or not to list a species, but also from other findings on, or reviews of, the listing status of the species. For example, when the Services have already conducted a candidate assessment on their own initiative, a 90-day or 12-month finding on a petition to complete the same action, or a status review that occurs every 5 years for listed species, such a review or finding provides context for the petition finding. We similarly changed "conducted a status review of that species" to "conducted a finding on, or review of, the listing status of that species" for the same reason. We did not include specific reference to a "5-year review" since that term is used internally by the Services and is already encompassed by the broader language now used in the first sentence.
- Also in § 424.14(g)(1)(iii), we replace the reference to "subsequent petition" with "any petition received thereafter" as it removes the need to introduce and define new, potentially confusing terminology.
- Also in § 424.14(g)(1)(iii), we add the sentence, "Where the prior review resulted in a final agency action, a petition generally would not be considered to present substantial scientific and commercial information indicating that the action may be warranted unless the petition provides new information not previously considered." Adding this sentence would maximize efficiency by allowing the Services to rely on previous final agency actions unless new information has since become available.
- In § 424.14(g)(1), (g)(2)(i), (g)(2)(ii), (g)(2)(iii)(B), (h)(1), and (h)(2), we remove the word "promptly" with respect to publishing the Services' findings. The word "promptly" is indefinite, and some might interpret it as the same day or within a few days. The Services intend their findings to be published as soon as possible, but cannot control precisely when publication in the **Federal Register** occurs and prefer to avoid language that could be misconstrued in this context.
- In § 424.14(g)(2)(ii) and (h)(2), we remove the phrase "Within 12 months of receipt of the petition," with respect to the Services' final determination after conducting a status review, following a 90-day finding. The 12-month period is specified in the Act, and would be redundant and unnecessary to include in this regulation.

Requirements for Petitions—Paragraph (b)

We add clarification at proposed § 424.14(b)(2) that the requirement that only one "species" be the subject of each petition applies to "taxonomic species." A petition may therefore address any configuration of members of that single taxonomic or biological species as defined by the Act (the full species, one or more subspecies, and, for vertebrate species, one or more distinct population segments (DPSs)). In other words, one petition may request consideration of, for example, both the full species entity and a subspecies of that entity, or, in the case of vertebrate species, one or more DPSs of the subject species as well. Separate petitions are not needed in this case.

At proposed § 424.14(b)(5), we add the word "easily" before "locate the information cited in the petition, including page numbers or chapters as applicable." The Services should not have to hunt through reference material to try to locate specific information; the petition should provide clear, specific citations that allow the supporting information to be located easily. If the Services cannot locate the supporting information easily, they may not be able to conclude that the statement for which the reference material is cited constitutes substantial information.

At proposed § 424.14(b)(6), we remove the phrase "or valid links to public Web sites where the supporting materials can be accessed," because Web sites can and do change. A link provided in a petition may become invalid by the time the Services receive and evaluate the petition, or by the time any subsequent status review may be done. Therefore, we believe it best that electronic or hard copies of supporting materials cited in the petition be provided with the petition.

At proposed § 424.14(b)(7), we add the phrase "delist a species, or change the status of a listed species," so that § 424.14(b)(7) now reads "For a petition to list a species, delist a species, or change the status of a listed species, information to establish whether the subject entity is a 'species' as defined in the Act." The reason for this addition is that the Services may be petitioned to delist an already-listed species on the basis that it is not a valid, listable entity under the Act. Another possible scenario may be that taxonomic revisions could result in a reconfiguration of a listed species into new entities, which may be determined to have a different listing status from the original entity, and thus the Services might be petitioned to change the status of a listed species on that basis. However, in simple petitions to uplist a species from threatened to endangered, or downlist a species from endangered to threatened, the petitioner would only need to point to the species' listed status to establish that the subject entity is a "species" as defined in the Act.

At proposed § 424.14(b)(9), we replace text concerning pre-coordination of petitioners with States and gathering of information from State wildlife agencies with new text requiring only that petitioners notify affected States of their intention to file a petition to list, delist, change the status of, or revise critical habitat for a species, at least 30 days before submitting a petition to the Services. From the many comments we received on the proposed three options for pre-coordination, we realized that the complexity of attempting to contact and gather responsive data from multiple State wildlife agencies may cause an undue burden on the petitioner, and potentially slow down the petition process. Under the revised provision, the petitioner would be required to notify by letter each State in which the subject species occurs. A copy of the notification letter(s) would be required to be submitted with the petition when it is filed with either NMFS or FWS. We do not anticipate that this requirement would slow down the petition process, because petitioners can submit the letter to the States as soon as they begin to prepare the petition.

Moreover, requiring this early notice to the States is consistent with the direction in Section 6 (16 U.S.C. 1535) to coordinate with States to the maximum extent practicable. This proposed provision would allow the Services to benefit from the States' considerable experience and information on the species within their boundaries because the States would have an opportunity to submit to the Services any information they have on the species early in the petition process. The Services would have the option, in formulating an initial finding, to use their discretion to consider any information provided by the States (as well as other readily available information) as part of the context in which they evaluate the information contained in the petition. If a subsequent status review is conducted, the Services would of course consider all relevant data and information, including that provided by States and any other interested parties, in making their determination.

We remove proposed § 424.14(b)(10), which required that a petitioner gather all relevant information on the subject species and provide a certification attesting to that. Many comments received on the original proposed rule emphasized that this requirement would be difficult to implement and enforce. We believe that the requirement at proposed § 424.14(b)(4) to provide a detailed narrative justification for the recommended administrative action that contains an analysis of the information presented—in combination with the revised description at § 424.14(c)(5) (see discussion below) that a robust petition should present a complete, balanced representation of the relevant facts—will help promote the high quality of petitions that we encourage petitioners to submit.

Types of Information To Be Included in Petitions To List, Delist, or Change the Status of a Listed Species—Paragraph (c)

We add clarification at § 424.14(c)(4) that we seek information on conservation actions that States, as well as other parties, have initiated or that are ongoing.

We revise proposed § 424.14(c)(5). In our May 21, 2015, proposed rule, we included this language for § 424.14(c)(5):

> Except for petitions to delist, information that is useful in determining whether a critical habitat designation for the species is prudent and determinable (see § 424.12), including information on recommended boundaries and physical features and the habitat requirements of the species; however, such information will not be a basis for determining whether the petition has presented substantial information that the petitioned action may be warranted.

In this revised proposed rule, we add a new proposed § 424.14(c)(5) stating that a petitioner should provide a complete, balanced presentation of facts pertaining to the petitioned species, which would include any information the petitioner is aware of that contradicts claims in the petition. The intent of this provision is to discourage petitioners from presenting only that information that supports the claims in the petition, which might result in a biased, less-than-robust petition. Further, we removed the request for information useful in making determinations about critical habitat for the species; information regarding critical habitat is beyond the scope of information needed to make a 90-day finding, and is more appropriate for the Services to consider during subsequent status reviews and proposed listing determinations.

Information To Be Included in Petitions To Revise Critical Habitat—Paragraph (d)

We add clarification to proposed § 424.14(d)(2) that if a petitioner believes the already-identified physical or biological features in an existing critical habitat designation should be revised, they should provide information on such a revision. In other words, petitioners requesting revisions to critical habitat designations need not provide information on which physical or biological features are essential unless they contend that some features currently recognized as essential are not, or that features not currently recognized as essential should be.

In proposed § 424.14(d)(4), which outlines information to be included in petitions to remove areas from designated critical habitat within the geographical area occupied by the species, we clarify that "features" specifically refers to the "physical or biological features," as described in our recent revision to 50 CFR 424.12 (81 FR 7413; February 11, 2016). Further, to utilize the same language as the revised 50 CFR 424.12, we replace the clause "(including features that allow the area to support the species periodically, over time)" with "(including characteristics that support ephemeral or dynamic habitat conditions)."

We revise proposed § 424.14(d)(6) regarding providing information demonstrating that all relevant facts are presented in a petition to revise critical habitat, for the same reason discussed in our decision to remove proposed § 424.14(b)(10), above. The revised proposed § 424.14(d)(6) mirrors the revised proposed § 424.14(c)(5), stating that a petitioner should provide a complete, balanced presentation of facts pertaining to the petitioned species, which would include any information the petitioner is aware of that contradicts claims in the petition.

Responses to Requests—Paragraph (e)

Proposed § 424.14(e)(1) stated that if a request (a purported petition) does not meet the requirements set forth at § 424.14(b), the Services will reject the request without making a finding. In this revised proposal we add language clarifying that the Services retain discretion to consider a request to be a petition and process that petition where the Services determine there has been substantial compliance with the relevant requirements. For example, if a petitioner cites 50 references, but provides copies of only 49 of the 50 references with the petition, it is not likely that the Services would choose to reject the request without making a finding (unless the missing reference was a keystone in supporting the request). However, we do want to encourage the petitioner to be careful to ensure all cited materials are included with the petition, as this is an important part in making the petitioner's case. If the petitioner cites a source as giving support to an element in a petition, the petitioner should have actually reviewed that source and thus should be able to provide it along with the petition.

We also revise proposed § 424.14(e)(2) concerning acknowledgement of receipt of petitions that do meet the requirements set forth at § 424.14(b), by deleting "in writing" and "within 30 days of receipt." We make this revision to allow the Services greater flexibility in the means and timing of communicating with the petitioner its determination of whether the petition complies with the mandatory requirements. This revision also reflects the fact that, in this day of modern electronic communications, it is more efficient for petitioners to refer to the Services' online lists of active petitions, which are accessible to the public. We find that continuing the practice of written confirmations no longer provides the most effective or efficient means of communicating to all interested parties regarding the status of petitions.

Findings on a Petition To List, Delist, or Reclassify—Paragraph (g)

In § 424.14(g)(1)(ii), which describes what additional information the Services may use in evaluating a petition, beyond that which is provided with the petition, we propose to delete the phrase "in the agency's possession" and revise this statement to simply state, "The Services may also consider information readily available at the time the determination is made . . . ." That information may not only be stored in the traditional hard copy format in files, but may be electronic data files as well, or stored on Web sites created by the Services or other Web sites routinely accessed by the Services. Further, the Services may consider information that they are able to retrieve through a quick Internet search. However, the Services are not required to search for or consider such information in making an initial finding on a petition, and would use that information only to provide context for evaluating the information in the petition rather than to supplement the petition.

We remove the phrase "and so notify the petitioner" that occurred in proposed § 424.14(g)(1), (g)(2)(i), and (h)(1) to describe the process the Services follow once findings are made. Our intention in using this phrase was to state that the publication of our findings in the **Federal Register** constitutes our notification to the petitioner, but the phrasing was awkward, and it is clearer just to state that we will publish our finding in the **Federal Register**.

We revised § 424.14(g)(1)(iii), which addresses situations in which the Services have already made a finding on or conducted a review of the listing status of a species, and, after such finding or review, receive a petition seeking to list, reclassify, or delist that species. As explained in the preamble to the original proposal, such prior reviews constitute information readily available to the Services and provide important context for evaluation of petitions. Prior reviews represent a significant expenditure of the Services' resources, and it would be inefficient and unnecessary to require the Services to revisit issues for which a determination has already been made, unless there is a basis for reconsideration. In the case of prior reviews that led to final agency actions (such as final listings, 12-month not warranted findings, and 90-day not-substantial findings), a petition generally would not be found to provide substantial information unless the petition provides new information or a new analysis not previously considered in the final agency action. By "new" we mean only that the information was not considered by the Services in the prior determination.

These revisions are not meant to imply that the Service's finding on a petition addressing the same species as a prior determination would necessarily be negative. For example, the more time that has elapsed from the completion of the prior review, the greater the potential that substantial new information has become available. As another example, the Services may have concluded a 5-year status review in which we find that a listed species no longer warrants listing, but have not as yet initiated a rule-making to delist the species (in other words, have not yet undertaken a final agency action). If we receive a petition to delist that species, in which the petitioner provides no new or additional information than was considered in the 5-year status review, we would likely still find that the petition presents substantial information that the petitioned action may be warranted.

Petitions To Designate Critical Habitat or Adopt Rules Under Sections 4(d), 4(e), or 10(j) of the Act—Paragraph (i)

We revise the heading of this paragraph to clarify what was meant by "special rules." This paragraph describes petitions that the Services will review in accordance with the Administrative Procedure Act (APA; 5 U.S.C. Subchapter II), and specifically includes petitions to designate critical habitat and requests pertaining to ESA sections 4(d) (protective regulations for threatened species), 4(e) (similarity of appearance cases), and 10(j) (designation of experimental populations).

We replace the clause "Upon receiving a petition to designate critical habitat or to adopt a special rule to provide for the conservation of a species, the Secretary will promptly conduct a review," with the clause "The Services will conduct a review of petitions to designate critical habitat or to adopt a rule under sections 4(d), 4(e), or 10(j) of the Act," to use plain language and provide clarity.

Withdrawal of Petition—Paragraph (j)

We remove the requirement that a request from a petitioner to withdraw their petition must include the petitioner's name, signature, address, telephone number, if any, and the association, institution, or business affiliation, if any, of the petitioner. Such information has already been provided in the petition.

Request for Information

Any final rule based on the May 21, 2015, proposed rule (80 FR 29286), as amended by this revised proposed rule, will consider information and recommendations timely submitted from all interested parties. We solicit comments, information, and recommendations from governmental agencies, Native American tribes, the scientific community, industry groups, environmental interest groups, and any other interested parties on this revised proposed rule. All comments and materials received by the date listed in **DATES**, above, will be considered prior to the approval of a final rule.

We specifically request comments and information evaluating the changes in this revised proposed rule, as discussed above and presented below under Proposed Regulation Promulgation. We are particularly interested in comments on our modified proposal to limit petitions to a single taxonomic species, in light of our clarification that a single petition may seek the listing of alternative configurations of the members of that species (*i.e.*, as a species, subspecies, or one or more distinct population segments).

Comments previously submitted on the original proposed rule need not be resubmitted, as they will be fully considered in preparation of the final rule.

You may submit your information concerning this proposed rule by one of the methods listed in **ADDRESSES**.

Information and supporting documentation that we receive in response to this proposed rule will be available to review at *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Division of Conservation and Classification (see **FOR FURTHER INFORMATION CONTACT**).

Required Determinations

Based on our most current data, we affirm the following required determinations made in the May 21, 2015, proposed rule (80 FR 29286); see that document for descriptions of our actions to ensure compliance with the following statutes and Executive Orders:

- *Regulatory Planning and Review (Executive Order 13563);*
- *Regulatory Flexibility Act;*
- *Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.);*
- *Takings (Executive Order 12630);*
- *Federalism (Executive Order 13132);*
- *Civil Justice Reform (Executive Order 12988);*
- *Government-to-Government Relationship With Tribes;*
- *Energy Supply, Distribution or Use (Executive Order 13211); and*
- *Clarity of This Proposed Rule*

Our additional determinations follow:

Regulatory Planning and Review (Executive Order 12866)

The Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) has determined that this rule is not significant under Executive Order 12866.

Paperwork Reduction Act of 1995 (PRA)

This proposed rule contains a collection of information that the Services have submitted to OMB for approval under the PRA (44 U.S.C. 3501 *et seq.*). We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Any interested person may submit a written petition to the Services requesting to add a species to the Lists of Endangered or Threatened Wildlife and Plants (Lists), remove a species from the Lists, change the listed status of a species, or revise the boundary of an area designated as critical habitat. We are asking OMB to approve the collection of information associated with these petitions:

Petitions. This proposed rule specifies the information that must be included in petitions, including but not limited to:

(1) Petitioner's name; signature; address; telephone number; and association, institution, or business affiliation;

(2) Scientific and any common name of the species that is the subject of the petition;

(3) Clear indication of the administrative action the petitioner seeks (*e.g.,* listing of a species or revision of critical habitat);

(4) Detailed narrative justification for the recommended administrative action that contains an analysis of the supporting information presented;

(5) Literature citations that are specific enough for the Services to easily locate the supporting information cited by the petition, including page numbers or chapters, as applicable;

(6) Electronic or hard copies of supporting materials (*e.g.,* publications, maps, reports, letters from authorities) cited in the petition;

(7) For petitions to list, delist, or reclassify a species include:

- Information to establish whether the subject entity is a "species" as defined in the Act;
- Information on the current geographic range of the species, including range States or countries; and
- Copies of notification letters to States.

(8) Information on current population status and trends and estimates of current population sizes and distributions, both in captivity and the wild, if available;

(9) Identification of the factors under section 4(a)(1) of the Act that may affect the species and where these factors are acting upon the species;

(10) Whether any or all of the factors alone or in combination identified in section 4(a)(1) of the Act may cause the species to be an endangered species or threatened species (*i.e.,* place the species in danger of extinction now or in the foreseeable future), and, if so, how, including a description of the magnitude and imminence of the threats to the species and its habitat;

(11) Information on existing regulatory protections and conservation activities that States or other parties have initiated or have put in place that may protect the species or its habitat;

(12) For petitions to revise critical habitat:

- Description and map(s) of areas that the current designation (a) does not include that should be included or (b) includes that should no longer be included, and the rationale for designating or not designating these specific areas as critical habitat. Petitioners should include available data layers if feasible;
- When the petitioner requests that the physical or biological features identified in the designation should be changed, a description of the physical or biological features essential for the conservation of the species and whether they may require special management considerations or protection;
- For any areas petitioned to be added to critical habitat within the geographical area occupied by the species at the time it was listed, information indicating that the specific areas contain the physical or biological features that are essential to the conservation of the species and may require special management considerations or protection. The petitioner should also indicate which specific areas contain which features;
- For any areas petitioned for removal from currently designated critical habitat within the geographical area occupied by the species at the time it was listed, information indicating that the specific areas do not contain the physical or biological features that are essential to the conservation of the species, or that these features do not require special management consideration or protections; and
- For areas petitioned to be added to or removed from critical habitat that were outside the geographical area occupied by the species at the time it was listed, information indicating why the petitioned areas are or are not essential for the conservation of the species.

(13) A complete, balanced representation of the relevant facts, including contrary facts.

Notification of States. For petitions to list, delist, or change the status of a species, or for petitions to revise critical habitat, petitioners must notify applicable States of their intention to submit a petition. This notification must be made at least 30 days prior to submission of the petition. Copies of the notification letters must be included with the petition.

Calculation of Burden Estimates. The burden information below includes estimates for both Services.

We estimate the amount of time a petitioner may spend in preparing a petition, including researching literature and information sources and writing the petition, as 120 hours. We realize the time spent may be more or less than this estimate, but we believe this represents a realistic average. We invite comment on this as well as our other estimates in this PRA determination.

Further, based on the average number of species per year over the past 5 years regarding which FWS and NMFS were petitioned, we estimate the average annual number of petitions received by both Services combined to be 50 (25 for

FWS and 25 for NMFS). Because each petition will be limited to a single taxonomic species under the proposed regulations, the average number of species included in petitions over the past 5 years may be more accurate than the average number of petitions as a gauge of the number of petitions we are likely to receive going forward. This estimate of the number of petitions the Services will receive in the future may be generous.

We estimate that there will be a need for a petitioner to notify an average of 10 States per petition. Many species are narrow endemics and may only occur in one State, but others are wide-ranging and may occur in many States. However, we are erring on the side of over-estimating the potential number of States petitioners will need to notify on average.

We estimate the non-hour cost burden per petition for printing and mailing to be minimal and have used a value of $20.00 in our calculation.

OMB Control No: 1018–XXXX.

Title: Petitions, 50 CFR 424.14.

Service Form Number(s): None.

Description of Respondents: Individuals, businesses, or organizations.

Respondent's Obligation: Required to obtain or retain a benefit.

Estimated Annual Number of Respondents: 50.

Frequency of Collection: On occasion.

Total Annual Nonhour Cost Burden: $1,000.00.

Activity/requirement	Estimated number of annual responses	Completion time per response (hours)	Estimated total annual burden hours
Petitioner—prepare petition	50	120	6,000
Petitioner—notify States	500	1	500
Total	550	....	6,500

As part of our continuing efforts to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on any aspect of the reporting burden associated with this proposed information collection. We specifically invite comments concerning:

- Whether or not the collection of information is necessary for the proper performance of our management functions, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for the collection of information,
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

If you wish to comment on the information collection requirements of this proposed rule, send your comments directly to OMB (see detailed instructions under the heading *Comments on the Information Collection Aspects of the Proposed Rule* in **ADDRESSES**). Please identify your comments with 1018–BA53. Provide a copy of your comments to the Service Information Collection Clearance Officer (see detailed instructions under the heading *Comments on the Information Collection Aspects of the Proposed Rule* in **ADDRESSES**).

National Environmental Policy Act

We are analyzing this proposed regulation in accordance with the criteria of the National Environmental Policy Act (NEPA), the Department of the Interior regulations on Implementation of the National Environmental Policy Act (43 CFR 46.10–46.450), the Department of the Interior Manual (516 DM 1–4 and 8)), and National Oceanic and Atmospheric Administration (NOAA) Administrative Order 216–6. Our analysis includes evaluating whether this action is procedural, administrative, technical, or legal in nature, and therefore whether a categorical exclusion applies (see 43 CFR 46.210(i) and NOAA Administrative Order 216–6, section 6.03c.3(i)). We invite the public to comment on whether and, if so, how this proposed regulation may have a significant effect upon the human environment, including any effects identified as extraordinary circumstances at 43 CFR 46.215. We will complete our analysis, in compliance with NEPA, before finalizing these proposed regulations.

List of Subjects in 50 CFR Part 424

Administrative practice and procedure, Endangered and threatened species.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 424, subchapter A of chapter IV, title 50 of the Code of Federal Regulations as set forth below:

PART 424—LISTING ENDANGERED AND THREATENED SPECIES AND DESIGNATING CRITICAL HABITAT

■ 1. The authority citation for part 424 continues to read as follows:

Authority: 16 U.S.C. 1531 *et seq.*

■ 2. Add § 424.03 to read as follows:

§ 424.03 Has the Office of Management and Budget approved the collection of information?

The Office of Management and Budget reviewed and approved the information collection requirements contained in subpart B and assigned OMB Control No. 1018–XXXX. We use the information to evaluate and make decisions on petitions. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. You may send comments on the information collection requirements to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, at the address listed at 50 CFR 2.1(b).

■ 3. Revise § 424.14 to read as follows:

§ 424.14 Petitions.

(a) *Ability to petition.* Any interested person may submit a written petition to the Services requesting that one of the actions described in § 424.10 be taken for a species.

(b) *Requirements for petitions.* A petition must clearly identify itself as such, be dated, and contain the following information:

(1) The name, signature, address, telephone number, if any, and the association, institution, or business affiliation, if any, of the petitioner;

(2) The scientific and any common name of the species that is the subject of the petition. Only one taxonomic species, along with any subspecies or distinct population segments of that species, may be the subject of a petition;

(3) A clear indication of the administrative action the petitioner

seeks (*e.g.,* listing of a species or revision of critical habitat);

(4) A detailed narrative justification for the recommended administrative action that contains an analysis of the information presented;

(5) Literature citations that are specific enough for the Services to easily locate the information cited in the petition, including page numbers or chapters as applicable;

(6) Electronic or hard copies of supporting materials (*e.g.,* publications, maps, reports, letters from authorities) cited in the petition;

(7) For a petition to list a species, delist a species, or change the status of a listed species, information to establish whether the subject entity is a "species" as defined in the Act;

(8) For a petition to list a species, delist a species, or change the status of a listed species, information on the current geographic range of the species, including range States or countries; and

(9) For a petition to list a species, delist a species, or change the status of a listed species, or for petitions to revise critical habitat, petitioners must provide notice to the State agency responsible for the management and conservation of fish, plant, or wildlife resources in each State where the species that is the subject of the petition occurs. This notification must be made at least 30 days prior to submission of the petition. Copies of the notification letters must be included with the petition.

(c) *Information to be included in petitions to add or remove species from the lists, or change the listed status of a species.* The Services' determinations as to whether the petition provides substantial information that the petitioned action may be warranted will depend in part on the degree to which the petition includes the following types of information; failure to include adequate information on any one or more of the following may result in a finding that the petition does not present substantial information:

(1) Information on current population status and trends and estimates of current population sizes and distributions, both in captivity and the wild, if available;

(2) Identification of the factors under section 4(a)(1) of the Act that may affect the species and where these factors are acting upon the species;

(3) Whether any or all of the factors alone or in combination identified in section 4(a)(1) of the Act may cause the species to be an endangered species or threatened species (*i.e.,* place the species in danger of extinction now or is likely to do so in the foreseeable future), and, if so, how high in magnitude and how imminent the threats to the species and its habitat are;

(4) Information on adequacy of regulatory protections and conservation efforts that States, as well as other parties, have initiated or that are ongoing, that may protect the species or its habitat; and

(5) A complete, balanced representation of the relevant facts, including information that may contradict claims in the petition.

(d) *Information to be included in petitions to revise critical habitat.* The Services' determinations as to whether the petition provides substantial information that the petitioned action may be warranted will depend in part on the degree to which the petition includes the following types of information; failure to include adequate information on any one or more of the following may result in a finding that the petition does not present substantial information:

(1) A description and map(s) of areas that the current designation does not include that should be included, or includes that should no longer be included, and the benefits of designating or not designating these specific areas as critical habitat. Petitioners should include sufficient supporting information to substantiate the requested changes, which may include GIS data or boundary layers that relate to the request, if appropriate;

(2) A description of any proposed revision to the already-identified physical or biological features essential for the conservation of the species, and whether they may require special management considerations or protection;

(3) For any areas petitioned to be added to critical habitat within the geographical area occupied by the species at time it was listed, information indicating that the specific areas contain the physical or biological features that are essential to the conservation of the species and may require special management considerations or protection. The petitioner should also indicate which specific areas contain which features;

(4) For any areas petitioned for removal from currently designated critical habitat within the geographical area occupied by the species at the time it was listed, information indicating that the specific areas do not contain the physical or biological features (including characteristics that support ephemeral or dynamic habitat conditions) that are essential to the conservation of the species, or that these features do not require special management consideration or protections;

(5) For areas petitioned to be added to or removed from critical habitat that were outside the geographical area occupied by the species at the time it was listed, information indicating why the petitioned areas are or are not essential for the conservation of the species; and

(6) A complete, balanced representation of the relevant facts, including information that may contradict claims in the petition.

(e) *Response to requests.* (1) If a request does not meet the requirements set forth at paragraph (b) of this section, the Services will generally reject the request without making a finding, and will notify the sender and provide an explanation of the rejection. However, the Services retain discretion to process a petition where the Services determine there has been substantial compliance with the relevant requirements.

(2) If a request does meet the requirements set forth at paragraph (b) of this section, the Services will acknowledge receipt of the petition.

(f) *Supplemental information.* If the petitioner provides supplemental information before the initial finding is made and asks that it be considered in making a finding, the new information, along with the previously submitted information, is treated as a new petition that supersedes the original petition, and the statutory timeframes will begin when such supplemental information is received.

(g) *Findings on petitions to add or remove a species from the lists, or change the listed status of a species.* (1) To the maximum extent practicable, within 90 days of receiving a petition to add a species to the lists, remove a species from the lists, or change the listed status of a species, the Services will make a finding as to whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. The Services will publish the finding in the **Federal Register**.

(i) For the purposes of this section, "substantial scientific or commercial information" refers to credible scientific or commercial information in support of the petition's claims such that a reasonable person conducting an impartial scientific review would conclude that the action proposed in the petition may be warranted. Conclusions drawn in the petition without the support of credible scientific or commercial information will not be considered "substantial information."

(ii) The Services will consider the information referenced at paragraphs (b), (c), and (f) of this section. The Services may also consider information readily available at the time the determination is made in reaching the initial finding on the petition. The Services are not required to consider any supporting materials cited by the petitioner if the cited documents are not provided in accordance with paragraph (b)(6) of this section.

(iii) The "substantial scientific or commercial information" standard must be applied in light of any prior reviews or findings the Services have made on the listing status of the species that is the subject of the petition. Where the Services have already conducted a finding on, or review of, the listing status of that species (whether in response to a petition or on the Services' own initiative), the Services will evaluate any petition received thereafter seeking to list, reclassify, or delist that species to determine whether a reasonable person conducting an impartial scientific review would conclude that the action proposed in the petition may be warranted despite the previous review or finding. Where the prior review resulted in a final agency action, a petition generally would not be considered to present substantial scientific and commercial information indicating that the action may be warranted unless the petition provides new information not previously considered.

(2) If a positive 90-day finding is made, the Services will commence a review of the status of the species concerned. The Services will make one of the following findings:

(i) The petitioned action is not warranted, in which case the Services shall publish a finding in the **Federal Register**.

(ii) The petitioned action is warranted, in which case the Services will publish in the **Federal Register** a proposed regulation to implement the action pursuant to § 424.16; or

(iii) The petitioned action is warranted, but:

(A) The immediate proposal and timely promulgation of a regulation to implement the petitioned action is precluded because of other pending proposals to list, delist, or change the listed status of species; and

(B) Expeditious progress is being made to list, delist, or change the listed status of qualified species, in which case such finding will be published in the **Federal Register** together with a description and evaluation of the reasons and data on which the finding is based. The Services will make any determination of expeditious progress in relation to the amount of funds available after complying with nondiscretionary duties under section 4 of the Act and court orders and court-approved settlement agreements to take actions pursuant to section 4 of the Act.

(3) If a finding is made under paragraph (g)(2)(iii) of this section with regard to any petition, the Services will, within 12 months of such finding, again make one of the findings described in paragraph (g)(2) of this section with regard to such petition.

(h) *Findings on petitions to revise critical habitat.* (1) To the maximum extent practicable, within 90 days of receiving a petition to revise a critical habitat designation, the Services will make a finding as to whether the petition presents substantial scientific information indicating that the revision may be warranted. The Services will publish such finding in the **Federal Register**.

(i) For the purposes of this section, "substantial scientific information" refers to credible scientific information in support of the petition's claims such that a reasonable person conducting an impartial scientific review would conclude that the revision proposed in the petition may be warranted. Conclusions drawn in the petition without the support of credible scientific information will not be considered "substantial information."

(ii) The Services will consider the information referenced at paragraphs (b), (d), and (f) of this section. The Services may also consider other information readily available at the time the determination is made in reaching its initial finding on the petition. The Services are not required to consider any supporting materials cited by the petitioner if the cited documents are not provided in accordance with paragraph (b)(6) of this section.

(2) The Services will determine how to proceed with the requested revision, and will publish notice of such intention in the **Federal Register**. Such finding may, but need not, take a form similar to one of the findings described under paragraph (g)(2) of this section.

(i) *Petitions to designate critical habitat or adopt rules under sections 4(d), 4(e), or 10(j) of the Act.* The Services will conduct a review of petitions to designate critical habitat or to adopt a rule under sections 4(d), 4(e), or 10(j) of the Act in accordance with the Administrative Procedure Act (5 U.S.C. 553) and applicable Departmental regulations, and take appropriate action.

(j) *Withdrawal of petition.* A petitioner may withdraw the petition at any time during the petition process by submitting such request in writing. If a petition is withdrawn, the Services may, at their discretion, discontinue action on the petition finding, even if the Services have already made a substantial 90-day finding.

Dated: April 4, 2016.

Michael J. Bean,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

Dated: April 13, 2016.

Samuel D. Rausch, III

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2016–09200 Filed 4–19–16; 4:15 pm]

BILLING CODE 4333–15–P 3510–22–P

Notices

Federal Register
Vol. 81, No. 77
Thursday, April 21, 2016

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

BROADCASTING BOARD OF GOVERNORS

Notice of Public Availability of the Broadcasting Board of Governors FY–2014 Service Contract Analysis and FY–2015 Service Contract Inventory

AGENCY: The Broadcasting Board of Governors.

ACTION: Notice.

SUMMARY: In accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010 (Pub. L. 111–117), the Broadcasting Board of Governors (BBG) is publishing this notice to advise the public of the availability of its FY–2014 Service Contract Analysis and FY–2015 Service Contract Inventory. They are available on the BBG Web site, through the following link: *http://www.bbg.gov/about-the-agency/research-reports/other/bbg-service-contract-inventory/.* The service contract inventory provides information on service contract actions over $25,000 made in FY–2015. The information is organized by function to show how contracted resources are distributed throughout the Agency. The inventory has been developed in accordance with guidance on service contract inventories issued on November 5, 2010 and on December 19, 2011 by the Office of Management and Budget, Office of Federal Procurement Policy (OFPP).

FOR FURTHER INFORMATION CONTACT: James McGuirk, Senior Procurement Analyst, IBB Office of Contracts via email at *jmcguirk@bbg.gov* or at telephone number (202) 382–7840.

Dated: April 15, 2016.

Chris Luer,

Chief, IBB Office of Administration.

[FR Doc. 2016–09220 Filed 4–20–16; 8:45 am]

BILLING CODE 8610–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–20–2016]

Foreign-Trade Zone 214—Lenoir County, North Carolina; Application for Reorganization/Expansion Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the North Carolina Department of Transportation, grantee of FTZ 214, requesting authority to reorganize and expand the zone under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR Sec. 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or "usage-driven" FTZ sites for operators/users located within a grantee's "service area" in the context of the FTZ Board's standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on April 13, 2016.

FTZ 214 was approved by the FTZ Board on May 7, 1996 (Board Order 815, 61 FR 27048, May 30, 1996) and expanded on August 14, 2003 (Board Order 1281, 68 FR 51965, August 29, 2003) and November 2, 2007 (Board Order 1537, 72 FR 65700, November 23, 2007). The grant of authority was reissued to the North Carolina Department of Transportation, and FTZs 66, 67 and 214 were merged into one zone and designated as FTZ 214 on February 28, 2014 (Board Order 1932, 79 FR 13987, March 12, 2014).

The current zone includes the following sites: *Site 1* (1,131 acres)—NC Global Transpark Authority, 3800 Hwy. 58 N, Kinston; *Site 2* (35 acres)—Kanban Logistics, Inc., 1114 Kingsboro Road, Rocky Mount; *Site 3* (56 acres)—Crown LSP Group, Inc., 400 English Road, Rocky Mount; *Site 4* (28 acres)—Crown LSP Group, Inc., 1201 Thorpe Road, Rocky Mount; *Site 5* (390 acres)—Wilmington Port Terminal Complex, 2202 Burnett Blvd., Wilmington; *Site 6* (4 acres)—Morehead City Terminal, 113 Arendell Street, Morehead City; and, *Site 7* (40 acres)—Morehead City Terminal, U.S. Highway 70 and State Route 24, Morehead City.

The grantee's proposed service area under the ASF would be: The Counties of Pender, New Hanover, Brunswick, Carteret, Duplin, Cumberland, and Columbus within and adjacent to the Wilmington Customs and Border Protection port of entry; the Counties of Beaufort, Pitt, Hyde, Onslow, Homes, Craven, Pamlico, and Lenoir within and adjacent to the Morehead City Customs and Border Protection port of entry; and, the Counties of Robeson, Bladen, Wilson, Edgecombe, Nash, Wayne and Greene within and adjacent to the Raleigh-Durham Customs and Border Protection port of entry, as described in the application. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation.

The applicant is requesting authority to reorganize and expand its existing zone as follows: Modify Site 6 to include an additional 124 acres (new total acreage = 128 acres); existing Sites 1, 5, 6 (as modified) and 7 would become "magnet" sites; and, existing Sites 2, 3, and 4 would become "usage-driven" sites. The ASF allows for the possible exemption of one magnet site from the "sunset" time limits that generally apply to sites under the ASF, and the applicant proposes that Sites 5 and 6 be so exempted or approved with 10-year sunset time limits.

The applicant is also requesting approval of three additional magnet sites: *Proposed Site 8* (154 acres)—Radio Island, 296 Radio Island Road, Beaufort; *Proposed Site 9* (1,530 acres)—Wilmington International Airport, 1740 Airport Blvd., Wilmington; and, *Proposed Site 10* (491 acres)—Craven County Industrial Park, 406 Craven Street, New Bern. The application would have no impact on FTZ 214's previously authorized subzones.

In accordance with the FTZ Board's regulations, Kathleen Boyce of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is June 20, 2016. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to July 5, 2016.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the "Reading Room" section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.* For further information, contact *Kathleen.Boyce@trade.gov* or (202) 482–1346.

Dated: April 14, 2016.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2016–09285 Filed 4–20–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–848]

Freshwater Crawfish Tail Meat From the People's Republic of China: Notice of Correction to Final Results of Antidumping Duty Administrative and New Shipper Reviews; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3477.

SUPPLEMENTARY INFORMATION: On April 13, 2016, the Department of Commerce (the Department) published in the **Federal Register** the final results of the administrative and new shipper reviews of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China.[1] The *Final Results* contained an inadvertent error related to a certain company name. Specifically, the *Final Results* incorrectly identified Shanghai Ocean Flavor International Trading Co., Ltd. as Shanghai Ocean International International Trading Co., Ltd. in the "Final Results of the Administrative Review and New Shipper Reviews" section.[2]

This correction to the *Final Results* is issued and published in accordance with sections 751(a)(1), 751(a)(2)(B)(iv), 751(a)(3), 777(i) of the Act and 19 CFR 351.213(h), 351.214 and 351.221(b)(4). of the Tariff Act of 1930, as amended.

Dated: April 15, 2016.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2016–09277 Filed 4–20–16; 8:45 am]

BILLING CODE 3510–DS–P

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[1] *See Freshwater Crawfish Tail Meat from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and New Shipper Reviews;* 2013–2014, 81 FR 21840 (April 13, 2016) (*Final Results*).

[2] *Id.,* at 21841.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–043]

Stainless Steel Sheet and Strip From the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Effective April 21, 2016.

FOR FURTHER INFORMATION CONTACT: Emily Halle at (202) 482–0176, AD/CVD Operations Office VII, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 2016, the Department of Commerce (the Department) initiated a countervailing duty (CVD) investigation of imports of stainless steel sheet and strip (stainless steel) from the People's Republic of China (PRC).[1] The notice of initiation stated that, in accordance with section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.205(b)(1), we would issue our preliminary determination no later than 65 days after the date of initiation, unless postponed. Currently, the preliminary determination in this investigation is due no later than May 9, 2016.

Postponement of Preliminary Determinations

Section 703(b)(1) of the Tariff Act of 1930, as amended (Act), requires the Department to issue the preliminary determination in a CVD investigation within 65 days after the date on which the Department initiated the investigation. However, section 703(c)(1) of the Act permits the Department to postpone making the preliminary determination until no later than 130 days after the date on which it initiated the investigation if, among other reasons, the petitioner makes a timely request for a postponement, or the Department concludes that the parties concerned are cooperating and determines that the investigation is extraordinarily complicated. On April 13, 2016, AK Steel Corporation, Allegheny Ludlum, LLC d/b/a ATI Flat Rolled Products, North American Stainless, and Outokumpu Stainless USA, LLC (collectively, Petitioners) made a timely request to postpone the preliminary CVD determination.[2] Therefore, pursuant to the discretion afforded the Department under 703(c)(1)(A) of the Act and because the Department does not find any compelling reason to deny the request, we are fully extending the due date until 130 days after the Department's initiation for the preliminary determination, to July 11, 2016. Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination will continue to be 75 days after the date of the preliminary determination. This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: April 14, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2016–09279 Filed 4–20–16; 8:45 am]

BILLING CODE 3510–DS–P

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[1] *See Stainless Steel Sheet and Strip From the People's Republic of China: Initiation of Countervailing Duty Investigation,* 81 FR 13322 (March 14, 2016).

[2] *See* Letter from Petitioners, "Countervailing Duty Investigation of Stainless Steel Sheet and Strip from the People's Republic of China Request for Extension of the Determination," April 13, 2016.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–916]

Laminated Woven Sacks From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Determination Under Section 129 of the Uruguay Round Agreements Act

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On March 30, 2016, the United States Court of International Trade (CIT or Court) issued final judgment in *Laminated Woven Sacks Committee, Coating Excellence International, LLC, and Polytex Fibers Corporation* v. *United States,* Consol.

Court No. 12–00301, affirming the Department of Commerce's (the Department) final results of redetermination pursuant to court remand. Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), as clarified by *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's implemented final determination in a proceeding conducted under section 129 of the Uruguay Round Agreements Act (Section 129) related to the Department's final affirmative determination in the antidumping duty (AD) investigation of laminated woven sacks (LWS) from the People's Republic of China (the PRC) for the period October 1, 2006, through March 31, 2007.[1] The Department is amending its implemented Final Section 129 Determination with regard to granting adjustments to the AD cash deposit rates.

DATES: *Effective Date:* April 11, 2016.[2]

FOR FURTHER INFORMATION CONTACT: Ryan Mullen, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC, 20230; telephone: (202) 482–2560.

SUPPLEMENTARY INFORMATION:

Background

On August 7, 2008, the Department published AD and countervailing duty (CVD) orders on LWS imports from the PRC.[3] The Government of the People's Republic of China challenged the LWS orders and three other sets of simultaneously imposed AD and CVD orders before the Dispute Settlement Body of the World Trade Organization (WTO). The WTO Appellate Body, in March 2011, found that the United States had acted inconsistently with its international obligations in several respects, including the potential imposition of overlapping remedies, or so-called "double remedies."[4] The U.S. Trade Representative then announced the United States' intention to comply with the WTO's rulings and recommendations, and the Department initiated a Section 129 proceeding.[5]

On July 31, 2012, the Department issued its Final Section 129 Determination. In that determination, the Department found that an adjustment was warranted to the AD rates on LWS imports from the PRC to account for remedies that overlap those imposed by the CVD order.[6] As a result, the Department reduced the applicable AD rate for separate rate companies from 64.28 percent to 20.19 percent and reduced the PRC-wide entity AD rate from 91.73 percent to 47.64 percent.[7] The Department published a notice implementing the Final Section 129 Determination on August 30, 2012.[8] Various parties challenged the Department's Final Section 129 Determination at the CIT.

Following the final disposition of litigation related to the Final Section 129 Determination regarding the AD and CVD investigations of circular welded pipe (CWP) from the PRC, in which the Department found no basis for making an adjustment to the AD rates under Section 777(A)(f) of the Tariff Act of 1930, as amended (the Act),[9] the CIT granted the Department's request for a voluntary remand in the litigation challenging the Final Section 129 Determination regarding the AD investigation of LWS from the PRC.[10] On March 23, 2016, the Department issued its Final Remand Redetermination regarding the AD investigation of LWS from the PRC, in which it amended its Final Section 129 Determination regarding the AD investigation and denied the adjustment to the AD cash deposit rates granted to respondents in the Final Section 129 Determination.[11] On March 30, 2016, the CIT sustained the Department's Final Remand Redetermination.[12]

Timken Notice

In its decision in *Timken,* 893 F.2d at 341, as clarified by *Diamond Sawblades,* the CAFC held that, pursuant to section 516A(e) of the Act, the Department must publish a notice of a court decision that is not "in harmony" with a Department determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's March 30, 2016, judgment affirming the Final Remand Redetermination constitutes a final court decision that is not in harmony with the Department's Final Section 129 Determination. This notice is published in fulfillment of publication requirements of *Timken.*

Amended Final Determination

Because there is now a final court decision with respect to the Department's Final Section 129 Determination regarding the AD investigation of LWS from the PRC, the Department is amending the Final Section 129 Determination, as implemented, regarding an adjustment to the AD cash deposit rates. The revised AD cash deposit rates are as follows:

Exporter	Producer	Revised AD cash deposit rate (%)
Zibo Aifudi Plastic Packaging Co., Ltd	Zibo Aifudi Plastic Packaging Co., Ltd	64.28
Polywell Industrial Co., A.K.A. First Way (H.K.) Limited	Polywell Plastic Product Factory	64.28

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[1] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, "Final Determination: Section 129 Proceeding Pursuant to the WTO Appellate Body's Findings in WTO DS379 Regarding the Antidumping and Countervailing Duty Investigations of Laminated Woven Sacks from the People's Republic of China," (July 31, 2012) (Final Section 129 Determination); *see also Implementation of Determinations Under Section 129 of the Uruguay Round Agreements Act: Certain New Pneumatic Off-the-Road Tires; Circular Welded Carbon Quality Steel Pipe; Laminated Woven Sacks; and Light-Walled Rectangular Pipe and Tube From the People's Republic of China,* 77 FR 52683 (August 30, 2012) (*Implementation Notice*).

[2] The effective date is ten days after the date of the court decision in accordance with Section 516A(e) of the Tariff Act of 1930.

[3] *See Notice of Antidumping Duty Order: Laminated Woven Sacks from the People's Republic of China,* 73 FR 45941 (August 7, 2008); *see also Laminated Woven Sacks From the People's Republic of China: Countervailing Duty Order,* 73 FR 45955 (August 7, 2008) (collectively, LWS orders).

[4] *See United States—Definitive Anti-Dumping and Countervailing Duties on Certain Products from China,* 611, WT/DS379/AB/R (Mar. 11, 2011).

[5] *See Implementation Notice.*

[6] *See* Final Section 129 Determination.

[7] *See Implementation Notice,* 77 FR at 52687.

[8] *Id.*

[9] *See Wheatland Tube Co.* v. *United States,* Consol. Court No. 12–00298, Slip Op. 15–44 (Ct. Int'l Trade May 7, 2015); *Wheatland Tube Co.* v. *United States,* Consol. Court No. 12–00296, Slip Op. 15–118 (Ct. Int'l Trade October 22, 2015).

[10] *See Laminated Woven Sacks Comm.* v. *United States,* Court No. 12–00301 (December 3, 2015).

[11] *See* "Final Redetermination Pursuant to Court Remand, *Laminated Woven Sacks Comm.* v. *United States,* Court No. 12–00301," (March 23, 2016) (Final Remand Redetermination).

[12] *See Laminated Woven Sacks Comm.* v. *United States,* Slip Op. 16–30, Consol. Court No. 12–00301 (CIT March 30, 2016).

Exporter	Producer	Revised AD cash deposit rate (%)
Zibo Linzi Worun Packing Product Co., Ltd	Zibo Linzi Worun Packing Product Co., Ltd	64.28
Shandong Qikai Plastics Product Co., Ltd	Shandong Qikai Plastics Product Co., Ltd	64.28
Changle Baodu Plastic Co. Ltd	Changle Baodu Plastic Co. Ltd	64.28
Zibo Linzi Shuaiqiang Plastics Co. Ltd	Zibo Linzi Shuaiqiang Plastics Co. Ltd	64.28
Zibo Linzi Qitianli Plastic Fabric Co. Ltd	Zibo Linzi Qitianli Plastic Fabric Co. Ltd	64.28
Shandong Youlian Co. Ltd	Shandong Youlian Co. Ltd	64.28
Zibo Linzi Luitong Plastic Fabric Co. Ltd	Zibo Linzi Luitong Plastic Fabric Co. Ltd	64.28
Wenzhou Hotson Plastics Co. Ltd	Wenzhou Hotson Plastics Co. Ltd	64.28
Jiangsu Hotson Plastics Co. Ltd	Jiangsu Hotson Plastics Co. Ltd	64.28
Cangnan Color Make The Bag	Cangnan Color Make The Bag	64.28
Zibo Qigao Plastic Cement Co. Ltd	Zibo Qigao Plastic Cement Co. Ltd	64.28
Prc-Wide Rate		91.73

Unless the applicable cash deposit rates have been superseded by cash deposit rates calculated in an intervening administrative review of the AD order on LWS from the PRC, the Department will instruct U. S. Customs and Border Protection to require a cash deposit for estimated AD duties at the rate noted above for each specified exporter and producer combination, for entries of subject merchandise, entered or withdrawn from warehouse, for consumption, on or after April 11, 2016.

This notice is issued and published in accordance with sections 516A(e) and 777(i)(1) of the Act and section 129(c)(2)(A) of the Uruguay Round Agreements Act.

Dated: April 14, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2016–09286 Filed 4–20–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Proposed Information Collection; Comment Request; Baldrige Performance Excellence Program Team Leader Consensus and Site Visit Surveys

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before June 20, 2016.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Dawn Bailey, Baldrige Performance Excellence Program, 100 Bureau Drive, Stop 1020, Gaithersburg, MD 20899, 301–975–3074, *dawn.bailey@nist.gov*

SUPPLEMENTARY INFORMATION:

I. Abstract

Public Law 100–107 (The Malcolm Baldrige National Quality Improvement Act of 1987), which established the Baldrige Performance Excellence Program and its Malcolm Baldrige National Quality Award (MBNQA), stipulates that organizational applicants for the award (see OMB Control #0693–006) receive "an intensive evaluation by a competent board of examiners which shall review the evidence submitted by the organization and, through a site visit, verify the accuracy of the quality improvements claimed."

Per the statute, "the Director of the National Bureau of Standards shall rely upon" these examiners, as they are in essence the external workforce of the Baldrige Performance Excellence Program. Baldrige Program staff members *manage and improve* the award and all of its processes, but the examiners actually do the objective *review* of MBNQA applicants.

The Team Leader Consensus and Site Visit Surveys will be one key way that Baldrige staff members can communicate with and seek feedback from the external workforce (Baldrige Examiners). To manage these voluntary examiners (some private citizens, some government and military personnel), the Baldrige Program needs the ability to ask them of their preferences for the sector in which they will do their application review (*e.g.,* do they want to review a health care applicant, manufacturing applicant), their availability to conduct reviews, their ability to travel on a site visit and about all of their logistical needs (*e.g.,* dietary restrictions, cannot review an organization from a certain state due to conflicts in that state), their ability to perform particular MBNQA roles such as technical editor or team leader), their conflicts with a particular organization, etc. The Baldrige Program also needs to survey them to obtain qualitative information on performance, as being a Baldrige Examiner is a very competitive selection.

The Baldrige Program could not perform the intensive evaluation called for in the law without surveying its own workforce about their unique needs in relation to the MBNQA process (and its subprocesses). In fact, these volunteer examiners expect to be asked their preferences, as well as given the ability to give their feedback to improve processes.

II. Method of Collection

Surveys are typically conducted via email or through a secure NIST file-sharing system if any MBNQA organization-specific information needs to be shared. Surveys can also be conducted over the phone if the number of examiners who need to be asked about a particular role or need is less than about 20. Often, a personal phone call is the best way to survey a subset of examiners, as maintaining positive relationships with examiners is very important to the program.

III. Data

OMB Control Number: #0693–XXXX (New Collection).

Form Number(s): None.

Type of Review: Regular submission.

Affected Public: Individuals, including private citizens. All must be U.S. citizens (proof of citizenship is required prior to Baldrige Examiner training).

Estimated Number of Respondents: 500 per year.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 167 hours.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 15, 2016.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2016–09208 Filed 4–20–16; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE529

General Advisory Committee to the U.S. Section to the Inter-American Tropical Tuna Commission and Scientific Advisory Subcommittee to the General Advisory Committee; Meetings and Call Announcement

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting and conference call.

SUMMARY: NMFS announces a public meeting of the General Advisory Committee (GAC) to the U.S. Section to the Inter-American Tropical Tuna Commission (IATTC) on May 27, 2016, and a public meeting of the Scientific Advisory Subcommittee (SAS) to the GAC on May 26, 2016. Additionally, NMFS announces a public conference call of the GAC and SAS on May 3, 2016. The meeting and call topics are described under the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The meeting of the SAS will be held on May 26, 2016, from 10 a.m. to 5 p.m. PDT (or until business is concluded). The meeting of the GAC will be held on May 27, 2016, from 8:30 a.m. to 5 p.m. PDT (or until business is concluded). The conference call with the SAS and GAC will be held on May 3, 2016, from 12 p.m. to 2 p.m. (or until business is concluded).

ADDRESSES: The GAC and SAS meetings will be held in the Pacific Conference Room (Room 300) at NMFS, Southwest Fisheries Science Center, 8901 La Jolla Shores Drive, La Jolla, California 92037–1508. Please notify Taylor Debevec (see **FOR FURTHER INFORMATION CONTACT**) by May 20, 2016, if you plan to attend either or both meetings in person or remotely. The meetings will be accessible by webinar—instructions will be emailed to meeting participants. The call will be held via conference line: 1–888–790–6181, passcode: 34214.

FOR FURTHER INFORMATION CONTACT: Taylor Debevec, West Coast Region, NMFS, at *Taylor.Debevec@noaa.gov,* or at (562) 980–4066.

SUPPLEMENTARY INFORMATION: In accordance with the Tuna Conventions Act (16 U.S.C. 951 *et seq.*), as amended, the U.S. Department of Commerce, in consultation with the Department of State (the State Department), appoints a GAC to the U.S. Section to the IATTC, and a SAS that advises the GAC. The U.S. Section consists of the four U.S. Commissioners to the IATTC and representatives of the State Department, NOAA, Department of Commerce, other agencies of the U.S. Government, and other stakeholders. The purpose of the GAC shall be to advise the U.S. Section with respect to U.S. participation in the work of the IATTC, with particular reference to development of U.S. policies, positions, and negotiating tactics. The purpose of the SAS is to advise the GAC on matters of science. NMFS West Coast Region provides administrative support for the GAC and SAS. The meetings of the GAC and SAS shall be open to the public, unless in executive session. The time and manner of public comment will be at the discretion of the chairs for the GAC and SAS.

The 90th meeting of the IATTC, the 33rd Meeting of the Parties to the Agreement on the International Dolphin Conservation Program (AIDCP), as well as working group meetings for both the IATTC and AIDCP, will be held in La Jolla, California from June 20 to July 1, 2016. For more information on these meetings, please visit the IATTC's Web site: *https://www.iattc.org/MeetingsENG.htm.*

GAC and SAS Meeting Topics

The GAC meeting topics will include, but are not limited to, the following:

(1) Outcomes of the 2016 SAC to the IATTC (*e.g.,* stock status updates for tuna, tuna-like species, and other species caught in association with those fisheries in the eastern Pacific Ocean);

(2) Implementation of the Antigua Convention including the development of a SOPP;

(3) Input from the SAS;

(4) Formulation of advice on issues that may arise at the upcoming 90th meeting of the IATTC, including the IATTC staff's recommended conservation measures, U.S. proposals, and proposals from other IATTC members; and

(5) Other issues as they arise.

The SAS meeting topics will include, but are not limited to, the following:

(1) Outcomes of the 2016 Scientific Advisory Committee (SAC) to the IATTC (*e.g.,* stock status updates for tuna, tuna-like species, and other species caught in association with those fisheries in the eastern Pacific Ocean);

(2) Implementation of the Antigua Convention including the development of a Statement of Organization, Practices, and Procedures (SOPP);

(3) Issues related to the impact of fishing on non-target species, such as shark, seabirds, sea turtles;

(4) Evaluation of the IATTC staff's recommended conservation measures for 2016;

(5) U.S. proposals for the 90th meeting of the IATTC and proposals from other IATTC members; and

(6) Other issues as they arise.

The GAC and SAS call will exclusively consist of review and discussion of the draft SOPP in an effort to resolve most of the edits and comments before the GAC and SAS meeting so it does not take away from other agenda items.

Special Accommodations

The meeting location is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Taylor Debevec (see **FOR FURTHER INFORMATION CONTACT**) by May 11, 2016.

Authority: 16 U.S.C. 951 *et seq.*

Dated: April 18, 2016.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–09284 Filed 4–20–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Tilefish Individual Fishing Quota Program

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before June 20, 2016.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Reid Lichwell, (978) 281–9112 or *Reid.Lichwell@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection.

National Marine Fisheries Service (NMFS) Greater Atlantic Region manages the golden tilefish fishery of the Exclusive Economic Zone (EEZ) of the Northeastern United States, through the Tilefish Fishery Management Plan (FMP). The Mid-Atlantic Fishery Management Council prepared the FMP pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The regulations implementing the FMP are specified at 50 CFR part 648 subpart N.

The recordkeeping and reporting requirements at § 648.294 form the basis for this collection of information. NMFS requests information from tilefish individual fishing quota (IFQ) permit holders in order to process applications to ensure that IFQ allocation holders are provided a statement of their annual catch quota, and for enforcement purposes, to ensure vessels are not exceeding an individual quota allocation. In conjunction with the application, NMFS also collects IFQ share accumulation information to ensure that an IFQ allocation holder does not acquire an excessive share of the total limited access privileges, as required by section 303A(d)(5)(C) of the Magnuson-Stevens Act.

NMFS requests transfer application information to process and track requests from allocation holders to transfer quota allocation (permanent and temporary) to another entity. NMFS also collects information for cost recovery purposes as required under the Magnuson-Stevens Act to collect fees to recover the costs directly related to management, data collection and analysis, and enforcement of IFQ programs. Lastly, NMFS collects landings information to ensure that the amounts of tilefish landed and ex-vessel prices are properly recorded for quota monitoring purposes and the calculation of IFQ fees, respectively. Having this information results in an increasingly more efficient and accurate database for management and monitoring of fisheries of the Northeastern U.S. EEZ.

II. Method of Collection

The IFQ Allocation permit application, IFQ holder cap form, and the IFQ transfer form are all paper applications. These applications can be filled out online, but must be printed and signed to complete. The IFQ cost recovery process is entirely online at *www.pay.gov* and the IFQ reporting requirements are completed through a phone call to NMFS interactive voice response phone line.

III. Data

OMB Number: 0648–0590.

Form Number: None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 12.

Estimated Time per Response: IFQ Allocation Permit Application, 30 minutes; IFQ Holder Cap Form, 5 minutes; IFQ Transfer Form, 5 minutes; IFQ Cost Recovery, 2 hours; IFQ Reporting Requirements, 2 minutes.

Estimated Total Annual Burden Hours: 42.

Estimated Total Annual Cost to Public: $45.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 18, 2016.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2016–09246 Filed 4–20–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska American Fisheries Act (AFA) Permits

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before June 20, 2016.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy Bearden, NMFS Alaska Region, (907) 586–7008 or *patsy.bearden@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

National Marine Fisheries Service (NMFS) and the Council developed regulations under the Magnuson-Stevens Act and the American Fisheries Act (AFA) to govern commercial fishing for Bering Sea and Aleutian Islands Management Area (BSAI) pollock according to the requirements of the AFA. These regulations are necessary to achieve the AFA's objective of decapitalization and rationalization of the BSAI pollock fishery.

With exceptions noted below, all participants in the AFA pollock fishery are already permitted and the permits are issued with an indefinite expiration date. The permanent AFA permits are: AFA catcher vessel, AFA catcher/processor, AFA mothership, and AFA inshore processor. The permit exceptions are issued annually—the inshore vessel cooperative permit and inshore vessel contract fishing permit. In addition, the AFA vessel replacement application may be submitted to NMFS at any time.

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include email, mail, and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648–0393.

Form Number(s): None.

Type of Review: Regular (extension of a current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 134.

Estimated Time per Response: 30 minutes for Application for AFA Permit Application: Rebuild, Replace, or Remove Vessel; 2 hours for Application for AFA Inshore Catcher Vessel Cooperative Permit; 4 hours for Vessel Contract Fishing Notification; 8 hours for Application for Approval as an Entity Eligible to Receive Transferable Chinook Salmon PSC Allocation; 15 minutes for Application to Transfer of Bering Sea Chinook Salmon PSC Allocation.

Estimated Total Annual Burden Hours: 444.

Estimated Total Annual Cost to Public: $271 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 18, 2016.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2016–09245 Filed 4–20–16; 8:45 am]

BILLING CODE 3510–22–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review, Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled Disability Accommodation Reimbursement Grant Request Form for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Sean R. Scott, at 202–606–3866 or email to *sescott@cns.gov*. Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

DATES: Comments may be submitted, identified by the title of the information collection activity, within May 23, 2016.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

(1) *By fax to*: 202–395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or

(2) *By email to*: *smar@omb.eop.gov*.

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments

A 60-day Notice requesting public comment was published in the **Federal Register** on January 15, 2016 at Volume 81 FR page 2202. This comment period ended March 15, 2016. No public comments were received from this Notice.

Description: This form is for use by AmeriCorps State and National grantees who want to receive reimbursement for funds spent accommodating AmeriCorps members with disabilities.

Type of Review: New.

Agency: Corporation for National and Community Service.

Title: Disability Accommodation Reimbursement Request Form.

OMB Number: TBD.

Agency Number: None.

Affected Public: Grantees of AmeriCorps State & National and AmeriCorps members with disabilities.

Total Respondents: 20.

Frequency: Once.

Average Time per Response: 10 minutes.

Estimated Total Burden Hours: 3.33 hours.

Total Burden Cost (Capital/Startup): None.

Total Burden Cost (Operating/Maintenance): None.

Dated: April 14, 2016.

Jennifer Bastress Tahmasebi,

Deputy Director, AmeriCorps State and National.

[FR Doc. 2016–09198 Filed 4–20–16; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF EDUCATION

Application for New Awards; Charter Schools Program (CSP) Grants for State Educational Agencies

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

Overview Information:

Charter Schools Program (CSP) Grants for State Educational Agencies (SEAs)

Notice inviting applications for new awards for fiscal year (FY) 2016.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.282A.

DATES:

Applications Available: April 21, 2016.

Date of Pre-Application Webinar: April 26, 2016, 2:00 p.m. to 4:00 p.m., Washington, DC, time.

Deadline for Transmittal of Applications: June 1, 2016.

Deadline for Intergovernmental Review: July 30, 2016.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the CSP is to increase national understanding of the charter school model by—

(1) Providing financial assistance for the planning, program design, and initial implementation of charter schools;

(2) Evaluating the effects of charter schools, including the effects on students, student achievement, student growth, staff, and parents;

(3) Expanding the number of *high-quality charter schools* available to students across the Nation; and

(4) Encouraging the States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools.

The purpose of the CSP Grants for SEAs competition is to enable SEAs to provide financial assistance, through subgrants to *eligible applicants* (also referred to as non-SEA *eligible applicants*), for the planning, program design, and initial implementation of charter schools and for the dissemination of information about successful charter schools, including practices that existing charter schools have demonstrated are successful.

SUPPLEMENTARY INFORMATION: On December 10, 2015, the President signed into law the Every Student Succeeds Act (ESSA), Public Law 114–95, which reauthorized the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB). Under section 5(c) of the ESSA, CSP grants awarded in FY 2016 and earlier years will operate in accordance with the requirements of the ESEA, as amended by NCLB, and any continuation awards applicable to these grants also will operate in accordance with such requirements.

The FY 2016 CSP Grants for SEAs competition is similar to the previous year's competition, with a few changes to simplify the application and review process, consistent with feedback from applicants, peer reviewers, and panel monitors. Notably, the competitive preference priorities have been streamlined and the selection criteria have been reduced in number and simplified. In addition, to ensure that CSP funds are used efficiently by SEAs and their subgrantees, the Department has established a maximum amount of subgrant funds that an SEA may award to a subgrantee for planning, program design, and initial implementation of a charter school. In developing their applications, applicants should review the application package available at *www.grants.gov* for additional information concerning the priorities, application requirements, and selection criteria for this competition, as well as more detailed information on the application submission process.

As in FY 2015, the Department seeks to achieve three main goals through this competition. The first goal is to ensure that CSP funds are directed toward the creation of *high-quality charter schools.* For example, under selection criterion (d) *Project Design,* reviewers will consider how an applicant's CSP project design furthers its overall strategy for increasing the number of *high-quality charter schools* in the State, including how the SEA intends to ensure that subgrants will be awarded to *eligible applicants* demonstrating the capacity to create *high-quality charter schools.*

The second goal is to strengthen public accountability for authorized public chartering agencies (also referred to as authorizers) and their charter schools through rigorous and transparent charter school authorization and oversight processes. For example, Absolute Priorities 1 *Periodic Review and Evaluation* and 2 *Charter School Oversight* require an applicant to demonstrate that its State implements specific charter school authorization and oversight policies to ensure public accountability for charter schools in the State, including holding *authorized public chartering agencies* accountable for the quality of the charter schools in their portfolios.

The third goal is to support and improve academic outcomes for *educationally disadvantaged students* through equal access to *high-quality charter schools,* improved academic performance for students at the greatest risk of academic failure, and a concerted effort to increase student-body diversity in charter schools. Diversity—in particular racial, ethnic, and socioeconomic diversity—is a critical component of improving outcomes for all students, including *educationally disadvantaged students.* Accordingly, under selection criterion (f) *Oversight of Authorized Public Chartering Agencies,* reviewers will consider the quality of an applicant's plan to help ensure that authorized public chartering agencies approve charter school petitions that incorporate school models, practices, or strategies that may be effective in improving outcomes for *educationally disadvantaged students,* including models, practices, and strategies that focus on increasing student-body diversity. These approaches may include, for example, site-location and transportation planning to facilitate charter school enrollment of students from different neighborhoods or communities, targeted recruitment of high-need student populations to attract diverse pools of applicants to charter schools, weighted admissions lotteries for *educationally disadvantaged students* to increase student body diversity in charter schools, academic themes and course offerings to attract a diverse group of students, or other practices, including evidence-based practices related to serving educationally disadvantaged students, such as practices designed to increase access to rigorous coursework or intensive, near-peer mentoring for such students. In addition, the dissemination of best practices related to student discipline and school climate may help prevent disproportionate suspensions and expulsions, and increase retention and academic performance, of *educationally disadvantaged students* enrolled in charter schools. Under selection criterion (e), *Dissemination of Information and Best Practices,* reviewers will consider the quality of the SEA's plan for disseminating information and research on best or promising practices related to student discipline. Lastly, as part of our commitment to transparency and ensuring that charter schools are serving all students, including our Nation's high-need students, we include an invitational priority designed to encourage applicants to describe how they publicly report student demographic information for each charter school in their State, as well as how they publicly report comparable demographic information for school districts and public schools in the surrounding areas.

Although related, the goal of increasing student-body diversity should not be confused with basic compliance requirements related to non-discrimination. We remind applicants of the need to ensure charter school compliance with applicable Federal and State laws and policies, and expect grantees to include appropriate oversight in their subgrantee monitoring plans with respect to the following areas:

(1) For all charter schools that receive CSP or other Federal funds, compliance with non-discrimination laws, including the Age Discrimination Act of 1975, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Part B of the Individuals with Disabilities Act (IDEA), and applicable State laws;

(2) For charter schools that are opened and operate as single-sex schools, compliance with applicable nondiscrimination laws, including the Equal Protection Clause of the U.S. Constitution (as interpreted in *United States* v. *Virginia,* 518 U.S. 515 (1996) and other cases) and Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*) and its implementing regulations, including 34 CFR 106.34(c). In addition, with respect to opening and operating co-educational charter schools that offer single-sex classes or extracurricular activities, the applicant must ensure that charter schools in its State comply with the Title IX regulations at 34 CFR 106.34(b). Please see the application package for further information;

(3) For charter schools that are closing (whether voluntarily or otherwise), compliance with applicable laws that govern public school closures generally, and requirements for closing out CSP subgrants properly. The Department encourages SEAs to develop written procedures and guidelines to assist charter schools that close in addressing various issues, including appropriate disposition of the school's assets, placement of students in other public schools, the transfer of student records, and protection of students' personal information.

Priorities: This notice includes two absolute priorities, two competitive preference priorities, and one invitational priority. The absolute priorities and Competitive Preference Priority 1 are from the notice of final priorities, requirements, definitions, and selection criteria for this program, published in the **Federal Register** on June 15, 2015 (80 FR 34201) (NFP), and Competitive Preference Priority 2 is from section 5202(e) of the ESEA (20 U.S.C. 7221a(e)(3)(B)).

Absolute Priorities: For FY 2016 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet both of the following absolute priorities.

These priorities are:

Absolute Priority 1—Periodic Review and Evaluation

To meet this priority, the applicant must demonstrate that the State provides for periodic review and evaluation by the authorized public chartering agency of each charter school at least once every five years, unless required more frequently by State law, and takes steps to ensure that such reviews take place. The review and evaluation must serve to determine whether the charter school is meeting the terms of the school's charter and meeting or exceeding the student academic achievement requirements and goals for charter schools as set forth in the school's charter or under State law, a State regulation, or a State policy, provided that the student academic achievement requirements and goals for charter schools established by that policy meet or exceed those set forth under applicable State law or State regulation. This periodic review and evaluation must include an opportunity for the authorized public chartering agency to take appropriate action or impose meaningful consequences on the charter school, if necessary.

Absolute Priority 2—Charter School Oversight

To meet this priority, an application must demonstrate that State law, regulations, or other policies in the State where the applicant is located require the following:

(a) That each charter school in the State—

(1) Operates under a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the rights and responsibilities of the school and the public chartering agency;

(2) Conducts annual, timely, and independent audits of the school's financial statements that are filed with the school's authorized public chartering agency; and

(3) Demonstrates improved student academic achievement; and

(b) That all authorized public chartering agencies in the State use increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA (20 U.S.C. 6311(b)(2)(C)(v)) as one of the most important factors when determining whether to renew or revoke a school's charter.

Competitive Preference Priorities: For FY 2016 and any subsequent year in which we make awards based on the list of unfunded applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 15 points to an application depending on how well the application addresses Competitive Preference Priority 1, and an additional five points to an application that meets Competitive Preference Priority 2. Applications addressing each of these priorities may receive up to a total of 20 priority points.

These priorities are:

Competitive Preference Priority 1—High-Quality Authorizing and Monitoring Processes (Up to 15 additional points)

To meet this priority, an applicant must demonstrate that all authorized public chartering agencies in the State use one or more of the following:

(a) Authorizing processes that establish clear criteria for evaluating charter applications and include a multi-tiered clearance or review of a charter school, including a final review immediately before the school opens for its first operational year.

(b) Authorizing processes that include differentiated review of charter petitions to assess whether, and the extent to which, the charter school *developer* has been successful (as determined by the authorized public chartering agency) in establishing and operating one or more *high-quality charter schools.*

(c) Clear and specific standards and formalized processes that measure and benchmark the performance of the authorized public chartering agency or agencies, including the performance of its portfolio of charter schools, and provide for the annual dissemination of information on such performance.

Competitive Preference Priority 2—One Authorized Public Chartering Agency Other Than a Local Educational Agency, or an Appeals Process (0 or 5 points)

To meet this priority, the applicant must demonstrate that the State—

(a) Provides for one authorized public chartering agency that is not a local educational agency (LEA), such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to State law; or

(b) In the case of a State in which LEAs are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.

Invitational Priority: For FY 2016 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Public Reporting of Charter School Demographics

The Secretary encourages projects that specify how, on an annual basis, the SEA publicly reports, or will publicly report, on student demographics (*e.g.,* socioeconomic status, race, ethnicity, English language learner status, and disability status) of each charter school in the State, and how the SEA publicly reports comparable data for school districts and public schools in the surrounding areas.

Application Requirements:

Applications for funding under the CSP Grants for SEAs program must address the application requirements described below.

These application requirements are from sections 5203(b) and 5204(e) and (f) of the ESEA (20 U.S.C. 7221b(b), 7221c(e) and (f)), and the NFP. An applicant may choose to respond to the application requirements in the context of its responses to the selection criteria, when applicable.

(a) *Disseminating best practices:* Describe how the SEA will disseminate best or promising practices of charter schools to each LEA in the State.

(b) *Federal funds and programs:* Describe how the SEA—

(i) Will inform each charter school in the State regarding Federal funds the charter school is eligible to receive and Federal programs in which the charter school may participate; and

(ii) Will ensure that each charter school in the State receives the charter school's commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the school.

(c) *IDEA Compliance:* Describe how charter schools that are considered to be LEAs under State law, and LEAs in which charter schools are located, will comply with sections 613(a)(5) and 613(e)(1)(B) of IDEA (20 U.S.C. 1400, *et seq.*).

(d) *Logic model:* Provide a complete *logic model* (as defined in this notice) for the project. The *logic model* must address the role of the grant in promoting the State-level strategy for expanding the number of *high-quality charter schools* through startup subgrants, optional dissemination subgrants, optional revolving loan funds, and other strategies.

(e) *Lottery and enrollment preferences:* Describe (1) how lotteries for admission to charter schools will be conducted in the State, including any student enrollment preferences or exemptions from the lottery that charter schools are required or expressly permitted by the State to employ; and (2) any mechanisms that exist for the SEA or authorized public chartering agency to review, monitor, or approve such lotteries or student enrollment preferences or exemptions from the lottery. In addition, the SEA must provide an assurance that it will require each applicant for a CSP subgrant to include in its application descriptions of its recruitment and admissions policies and practices, including a description of the proposed lottery and any enrollment preferences or exemptions from the lottery the charter school employs or plans to employ, and how those enrollment preferences or exemptions are consistent with State law and the CSP authorizing statute (for information related to admissions and lotteries under the CSP, please see section E of the CSP Nonregulatory Guidance (January 2014) at *www2.ed.gov/programs/charter/nonregulatory-guidance.html*).

(f) *Objectives:* Describe the objectives of the SEA's charter school grant program and how these objectives will be fulfilled, including steps taken by the SEA to inform teachers, parents, and communities of the SEA's charter school grant program;

(g) *Revolving loan fund:* If an SEA elects to reserve a portion of its grant funds (no more than 10 percent) to establish a revolving loan fund, describe how the revolving loan fund would operate; and

(h) *Waivers:* If an SEA desires the Secretary to consider waivers under section 5204(e) of the ESEA (20 U.S.C. 7221c(e)), include a request and justification for any waiver of any statutory or regulatory requirement over which the Secretary exercises authority except any such requirement relating to the elements of a charter school described in section 5210(1) of the ESEA.

Definitions:

The following definitions are from 34 CFR 77.1, the NFP, and section 5210 of the CSP authorizing statute (20 U.S.C. 7221i).

Academically poor-performing charter school means—

(a) A charter school that has been in operation for at least three years and that—

(1) Has been identified as being in the lowest-performing five percent of all schools in the State and has failed to improve school performance (based on the SEA's accountability system under the ESEA) over the past three years; and

(2) Has failed to demonstrate student academic growth of at least an average of one grade level for each cohort of students in each of the past three years, as demonstrated by statewide or other assessments approved by the authorized public chartering agency; or

(b) An SEA may use an alternative definition for *academically poor-performing charter school,* provided that the SEA provides (1) the specific definition it proposes to use; and (2) a written explanation of how the proposed definition is at least as rigorous as the standard in paragraph (a).

Ambitious means promoting continued, meaningful improvement for program participants or for other individuals or entities affected by the grant, or representing a significant advancement in the field of education research, practices, or methodologies. When used to describe a *performance target,* whether a *performance target* is *ambitious* depends upon the context of the relevant *performance measure* and the *baseline* for that measure.

Baseline means the starting point from which performance is measured and targets are set.

Developer means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

Educationally disadvantaged students means economically disadvantaged students, students with disabilities, migrant students, limited English proficient students (also referred to as English learners or English language learners), neglected or delinquent students, or homeless students.

Eligible applicant means a *developer* that has (a) applied to an authorized public chartering authority to operate a charter school; and (b) provided adequate and timely notice to that authority under section 5203(d)(3) of the ESEA.

High-quality charter school means—

(a) A charter school that shows evidence of strong academic results for the past three years (or over the life of the school, if the school has been open for fewer than three years), based on the following factors:

(1) Increased student academic achievement and attainment (including, if applicable and available, high school graduation rates and college and other postsecondary education enrollment rates) for all students, including, as applicable, *educationally disadvantaged students* served by the charter school;

(2) Either—

(i) Demonstrated success in closing historic achievement gaps for the subgroups of students described in section 1111(b)(2)(C)(v)(II) of the ESEA (20 U.S.C. 6311(b)(2)(C)(v)(II)) at the charter school; or

(ii) No significant achievement gaps between any of the subgroups of students described in section 1111(b)(2)(C)(v)(II) of the ESEA (20 U.S.C. 6311) at the charter school and significant gains in student academic achievement for all populations of students served by the charter school;

(3) Results (including, if applicable and available, performance on statewide tests, annual student attendance and retention rates, high school graduation rates, college and other postsecondary education attendance rates, and college and other postsecondary education persistence rates) for low-income and other *educationally disadvantaged students* served by the charter school that are above the average academic achievement results for such students in the State;

(4) Results on a performance framework established by the State or authorized public chartering agency for the purpose of evaluating charter school quality; and

(5) No *significant compliance issues,* particularly in the areas of student safety, financial management, and equitable treatment of students; or

(b) An SEA may use an alternative definition for *high-quality charter school,* provided that the SEA provides (1) the specific definition it proposes to use; and (2) a written explanation of how the proposed definition is at least as rigorous as the standard in paragraph (a).

Logic model (also referred to as theory of action) means a well-specified conceptual framework that identifies key components of the proposed process, product, strategy, or practice (*i.e.,* the active "ingredients" that are hypothesized to be critical to achieving the *relevant outcomes*) and describes the relationships among the key components and outcomes, theoretically and operationally.

Performance measure means any quantitative indicator, statistic, or metric used to gauge program or project performance.

Performance target means a level of performance that an applicant would seek to meet during the course of a project or as a result of a project.

Relevant outcome means the student outcome(s) (or the ultimate outcome if not related to students), the proposed process, product, strategy, or practice is designed to improve; consistent with the specific goals of a program.

Significant compliance issue means a violation that did, will, or could (if not addressed or if it represents a pattern of repeated misconduct or material non-compliance) lead to the revocation of a school's charter by the authorizer.

Program Authority: The CSP is authorized under Title V, Part B, Subpart 1 of the ESEA (20 U.S.C. 7221–7221j); and the Consolidated Appropriations Act, 2016, Pub. L. 114–113 (FY 2016 Appropriations Act).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 76, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended in 2 CFR 3474. (d) The NFP.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply only to institutions of higher education.

II. Award Information

Type of Award: Discretionary grant.

Estimated Available Funds: $160,000,000.

Estimated Range of Awards: $2,000,000 to $42,000,000 per year.

Estimated Average Size of Awards: $10,000,000 per year.

Estimated Number of Awards: 8 to 12.

Note: The Department is not bound by any estimates in this notice. The estimated range and average size of awards are based on a single 12-month budget period.

Project Period: Up to 36 months.

Note: SEAs may award planning and implementation subgrants to *eligible applicants* for a period of up to three years, no more than 18 months of which may be used for planning and program design and no more than two years of which may be used for the initial implementation of a charter school. SEAs may award dissemination subgrants to eligible charter schools for a period of up to two years.

Maximum Award: There is no maximum award amount for this competition. See *Reasonable and Necessary Costs* in section III.3.(a) below, however, for information regarding the maximum amount of funds that SEAs may award for each planning, program design, and initial implementation subgrant.

III. Eligibility Information

1. *Eligible Applicants:* SEAs in States with a State statute specifically authorizing the establishment of charter schools.

Note: Non-SEA *eligible applicants* in States in which the SEA elects not to participate in or does not have an application approved under the CSP may apply for funding directly from the Department. The Department plans to announce two separate competitions for CSP grants to non-SEA *eligible applicants* later in the year, under CFDA numbers 84.282B (Non-SEA Planning, Program Design, and Initial Implementation grants) and 84.282C (Non-SEA Dissemination grants). Additional information about the competitions for non-SEA *eligible applicants* is available at *http://innovation.ed.gov/what-we-do/charter-schools/charter-schools-program-non-state-educational-agencies-non-sea-planning-program-design-and-initial-implementation-grant.*

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Other:*

(a) *Reasonable and Necessary Costs:* The Secretary may elect to impose maximum limits on the amount of subgrant funds that an SEA may award to an eligible entity.

For CSP grants awarded under this competition, the maximum amount of subgrant funds that an SEA may award to an eligible entity for planning, program design, and initial implementation of a single charter school is $800,000.

(b) *Other CSP Grants:* A charter school that receives or has received CSP funds for planning, program design, or initial implementation under section 5202(c)(2) of the ESEA (CFDA No. 84.282B), or for the replication or expansion of a *high-quality charter school* under one of the Department's Appropriations Acts[1] (CFDA No. 84.282M), is not eligible to receive subgrant funds from an SEA under this program for the same or a substantially similar purpose.

Likewise, a charter school that receives or has received subgrant funds from an SEA under this program is ineligible to receive other CSP funds for the same or a substantially similar purpose under section 5202(c)(2) of the ESEA, including for planning, program design, or the initial implementation of a charter school (CFDA No. 84.282B), or for the replication or expansion of a *high-quality charter school* (CFDA No. 84.282M) under one of the Department's Appropriations Acts.

IV. Application and Submission Information

1. *Address To Request Application Package:* Kathryn Meeley, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. Telephone: (202) 453–6818 or by email: *Kathryn.Meeley@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you limit the application narrative (Part III) to no more than 60 pages, using the following standards:

- A "page" is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the page limit does apply to all of the application narrative section (Part III).

3. *Submission Dates and Times:*

Applications Available: April 21, 2016.

Date of Pre-Application Webinar: The Department will hold a pre-application Webinar for prospective applicants from 2:00 p.m.–4:00 p.m. on April 26, 2016. Individuals interested in participating in this Webinar are encouraged to pre-register through our Web site at (*https://educateevents.webex.com/educateevents/onstage/g.php?d=743947188&t=a*). There is no registration fee for participating in this Webinar.

For further information about the pre-application Webinar, contact Kathryn Meeley, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. Telephone: (202) 453–6818 or by email: *Kathryn.Meeley@ed.gov.*

Deadline for Transmittal of Applications: June 1, 2016.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: July 30, 2016.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* Grant funds must be used to carry out allowable activities, as described in section 5204(f) of the ESEA (20 U.S.C. 7221c(f)). The following funding restrictions apply to this competition:

Planning and Implementation Subgrants: An *eligible applicant* receiving a subgrant under this program may use the subgrant funds only for—

(a) Post-award planning and design of the educational program, which may include (i) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and (ii) professional development of teachers and other staff who will work in the charter school; and

(b) Initial implementation of the charter school, which may include (i) informing the community about the school; (ii) acquiring necessary equipment and educational materials and supplies; (iii) acquiring or developing curriculum materials; and (iv) other initial operational costs that cannot be met from State or local sources. (20 U.S.C. 7221c(f)(3))

The FY 2016 Appropriations Act authorizes the use of CSP funds "for grants that support preschool education in charter schools." Accordingly, an application submitted under this competition may propose to use CSP funds to support preschool education in charter schools. For information on the use of CSP funds to support preschool education in charter schools, see "Guidance on the Use of Funds to Support Preschool Education" at *www2.ed.gov/programs/charter/csppreschoolfaqs.doc.*

Dissemination Subgrants: An SEA may reserve not more than 10 percent of its grant funds to make subgrants to eligible charter schools to carry out dissemination activities. A charter school may use dissemination subgrant funds to assist other schools in adapting the charter school's program (or certain aspects of the charter school's program) or to disseminate information about the charter school through such activities as—

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[1] Beginning with the Consolidated Appropriations Act, 2010, Public Law 111–117, each of the Department's appropriations acts through the FY 2016 Appropriations Act has authorized the Secretary to award grants for the replication and expansion of charter schools.

(a) Assisting other individuals with the planning and start-up of one or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school's *developers* and that agree to be held to at least as high a level of accountability as the assisting charter school;

(b) Developing partnerships with other public schools, including charter schools, designed to improve student academic achievement in each of the schools participating in the partnership;

(c) Developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and

(d) Conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student achievement.

Award Basis. In determining whether to approve a grant award and the amount of such award, the Department will consider, among other things, the amount of any unobligated carryover funds the applicant has under an existing CSP grant and the applicant's performance and use of funds under a previous or existing award under any Department program (34 CFR 75.217(d)(3)(ii) and 75.233(b)). In assessing the applicant's performance and use of funds under a previous or existing award, the Secretary will consider, among other things, the outcomes the applicant has achieved and the results of any Departmental grant monitoring, including the applicant's progress in remedying any deficiencies identified in such monitoring.

We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following Web site: *http://fedgov.dnb.com/webform.* A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, it may be 24 to 48 hours before you can access the information in, and submit an application through, Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements.* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. Electronic Submission of Applications

Applications for grants under the CSP Grants for SEAs competition, CFDA number 84.282A, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for CSP Grants for SEAs competition at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.*, search for 84.282, not 84.282A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time

stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.* In addition, for specific guidance and procedures for submitting an application through Grants.gov, please refer to the Grants.gov Web site at: *www.grants.gov/web/grants/applicants/apply-for-grants.html.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a read-only, non-modifiable Portable Document Format (PDF). Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF (*e.g.,* Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will not review that material. Please note that this could result in your application not being considered for funding because the material in question—for example, the project narrative—is critical to a meaningful review of your proposal. For that reason, it is important to allow yourself adequate time to upload all material as PDF files. The Department will not convert material from other formats to PDF.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. This notification indicates receipt by Grants.gov only, not receipt by the Department. Grants.gov will also notify you automatically by email if your application met all the Grants.gov validation requirements or if there were any errors (such as submission of your application by someone other than a registered Authorized Organization Representative, or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by Grants.gov, the Department will retrieve your application from Grants.gov and send you an email with a unique PR/Award number for your application.

These emails do not mean that your application is without any disqualifying errors. While your application may have been successfully validated by Grants.gov, it must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to upload attachments in a read-only, non-modifiable PDF; failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues With the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it. If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Kathryn Meeley, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. FAX: (202) 205–5630.

Your paper application must be submitted in accordance with the mail or hand-delivery instructions described in this notice.

b. Submission of Paper Applications by Mail

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: CFDA Number 84.282A, LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date.

c. Submission of Paper Applications by Hand Delivery

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: CFDA Number 84.282A, 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from the NFP, section 5204(a) of the ESEA (20 U.S.C. 7221c), and 34 CFR 75.210. Peer reviewers will use the Scoring Allocation Chart in the Appendix to this notice in evaluating an SEA's response and assigning points to each selection criterion. The maximum possible score for addressing each criterion and its component factors (if applicable) is provided in the Appendix.

Note: The Secretary does not consider selection criterion (c) *Past Performance* in evaluating the application submitted by an SEA in a State that enacted a charter school law for the first time less than five years before the closing date of this competition. Accordingly, such an SEA should not address this criterion in its application. To enable the Secretary to determine whether to consider criterion (c), an SEA should provide in its application the date that its State first enacted a charter school law and relevant supporting documentation.

In evaluating an application, the Secretary considers the following selection criteria:

(a) *Educationally Disadvantaged Students.* (20 U.S.C. 7221c) The Secretary considers the contribution that the charter schools grant program will make to assisting educationally disadvantaged and other students in meeting State academic content standards and State student academic achievement standards.

(b) *Vision for Growth and Accountability.* (NFP) The Secretary determines the quality of the statewide vision, including the role of the SEA, for charter school growth and accountability. In determining the quality of the statewide vision, the Secretary considers the following factors:

(1) The ambitiousness, quality of vision, and feasibility of the SEA's plan (including key actions) to support the creation of *high-quality charter schools* during the project period, including a reasonable estimate of the number of *high-quality charter schools* in the State at both the beginning and the end of the project period; and

(2) The ambitiousness, quality of vision, and feasibility of the SEA's plan (including key actions) to support the closure of *academically poor-performing charter schools* in the State (*i.e.,* through revocation, non-renewal, or voluntary termination of a charter) during the project period.

(c) *Past Performance.* (NFP) The Secretary considers the past performance of charter schools in a State that enacted a charter school law for the first time five or more years before submission of its application. In determining the past performance of charter schools in such a State, the Secretary considers the following factors:

(1) The extent to which there has been a demonstrated increase, for each of the past five years, in the number and percentage of *high-quality charter schools* (as defined in this notice) in the State; and

(2) The extent to which there has been a demonstrated reduction, for each of the past five years, in the number and percentage of *academically poor-performing charter schools* (as defined in this notice) in the State.

(d) *Project Design.* (NFP) The Secretary considers the quality of the design of the SEA's charter school subgrant program, including the extent to which the project design furthers the SEA's overall strategy for increasing the number of *high-quality charter schools* in the State and improving student academic achievement. In determining the quality of the project design, the Secretary considers the following factors:

(1) The quality of the SEA's process for awarding subgrants for planning, program design, and initial implementation and, if applicable, for dissemination, including—

(i) The subgrant application and peer review process, timelines for these processes, and how the SEA intends to ensure that subgrants will be awarded to *eligible applicants* demonstrating the capacity to create *high-quality charter schools;* and

(ii) A reasonable year-by-year estimate, with supporting evidence, of (a) the number of subgrants the SEA expects to award during the project period and the average size of those subgrants, including an explanation of any assumptions upon which the estimates are based; and (b) if the SEA has previously received a CSP grant, the percentage of *eligible applicants* that were awarded subgrants and how this percentage related to the overall quality of the applicant pool.

(2) The process for monitoring CSP subgrantees.

(e) *Dissemination of Information and Best Practices.* (NFP) The Secretary considers the quality of the SEA's plan to disseminate information about charter schools and best or promising practices of successful charter schools to each LEA in the State as well as to charter schools, other public schools, and charter school *developers* (20 U.S.C. 7221b(b)(2)(C) and 7221(c)(f)(6)). If an SEA proposes to use a portion of its grant funds for dissemination subgrants under section 5204(f)(6)(B) of the ESEA (20 U.S.C. 7221c(f)(6)(B)), the SEA should incorporate these subgrants into the overall plan for dissemination. In determining the quality of the SEA's plan to disseminate information about charter schools and best or promising practices of successful charter schools, the Secretary considers the following factors:

(1) The extent to which the SEA will serve as a leader in the State for identifying and disseminating information and research (which may include, but is not limited to, providing technical assistance) about best or promising practices in successful charter schools, including how the SEA will use measures of efficacy and data in identifying such practices and assessing the impact of its dissemination activities.

(2) The quality of the SEA's plan for disseminating information and research on best or promising practices in charter schools related to student discipline and school climate.

(f) *Oversight of Authorized Public Chartering Agencies.* (NFP)

(1) The Secretary considers the quality of the SEA's plan (including any use of grant administrative or other funds) to monitor, evaluate, assist, and hold accountable authorized public chartering agencies. In determining the quality of the SEA's plan to provide oversight to authorized public chartering agencies, the Secretary considers how well the SEA's plan will ensure that authorized public chartering agencies are—

(i) Approving charter school petitions with design elements that incorporate evidence-based school models and practices, including, but not limited to, school models and practices that focus on racial and ethnic diversity in student bodies and diversity in student bodies with respect to *educationally disadvantaged students,* consistent with applicable law;

(ii) Establishing measureable academic and operational performance expectations for all charter schools (including alternative charter schools, virtual charter schools, and charter schools that include pre-kindergarten, if such schools exist in the State) that are consistent with the definition of *high-quality charter school* as defined in this notice;

(iii) Providing, on an annual basis, public reports on the performance of their portfolios of charter schools, including the performance of each individual charter school with respect to meeting the terms of, and expectations set forth in, the school's charter or performance contract; and

(iv) Supporting charter school autonomy while holding charter schools accountable for results and meeting the terms of their charters or performance contracts.

(2) The Secretary considers the quality of the SEA's plan (including any use of grant administrative or other funds) to monitor, evaluate, assist, and hold accountable authorized public chartering agencies. In determining the quality of the SEA's plan to provide oversight to authorized public chartering agencies, the Secretary considers how well the SEA's plan will ensure that authorized public chartering agencies are—

(i) Seeking and approving charter school petitions from *developers* that have the capacity to create charter schools that can become *high-quality charter schools;*

(ii) Monitoring their charter schools on at least an annual basis, including conducting an in-depth review of each charter school at least once every five years, to ensure that charter schools are meeting the terms of their charter or performance contracts and complying with applicable State and Federal laws;

(iii) Using increases in student academic achievement as one of the most important factors in renewal decisions; basing renewal decisions on a comprehensive set of criteria, which are set forth in the charter or performance contract; and revoking, not renewing, or encouraging the voluntary termination of charters held by *academically poor-performing charter schools;* and

(iv) Ensuring the continued accountability of charter schools during any transition to new State assessments or accountability systems, including those based on college- and career-ready standards.

(g) *Policy Context for Charter Schools.* (NFP) The Secretary considers the policy context for charter schools under the proposed project. In determining the policy context for charter schools under the proposed project, the Secretary considers the following factors:

(1) The degree of flexibility afforded to charter schools under the State's charter school law, including—

(i) The extent to which charter schools in the State are exempt from State or local rules that inhibit the flexible operation and management of public schools; and

(ii) The extent to which charter schools in the State have a high degree of autonomy, including autonomy over the charter school's budget, expenditures, staffing, procurement, and curriculum; and

(2) The quality of the SEA's plan to ensure that charter schools that are considered to be LEAs under State law and LEAs in which charter schools are located will comply with sections 613(a)(5) and 613(e)(1)(B) of IDEA (20 U.S.C. 1400, *et seq.*), the Age Discrimination Act of 1975 (42 U.S.C. 6101, *et seq.*), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d, *et seq.*), title IX of the Education Amendments of 1972 (20 U.S.C. 1681, *et seq.*), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Special Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a

financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

4. *Performance Measures:*

(a) *Program Performance Measures (GPRA Measures).* The goal of the CSP is to support the creation and development of *high-quality charter schools* that are free from State or local rules that inhibit flexible operation, are held accountable for enabling students to reach challenging State performance standards, and are open to all students. The Secretary has established two performance indicators to measure progress towards this goal: (1) The number of charter schools in operation around the Nation, and (2) the percentage of fourth- and eighth-grade charter school students who are achieving at or above the proficient level on State assessments in mathematics and reading/language arts. Additionally, the Secretary has established the following measure to examine the efficiency of the CSP: Federal cost per student in implementing a successful school (defined as a school in operation for three or more consecutive years).

(b) *Project-Specific Performance Measures.* Applicants must propose project-specific *performance measures* and *performance targets* consistent with the objectives of the proposed project. Applications must provide the following information as directed under 34 CFR 75.110(b) and (c):

(1) *Performance measures.* How each proposed *performance measure* (as defined in this notice) would accurately measure the performance of the project and how the proposed *performance measure* would be consistent with the *performance measures* established for the program funding the competition.

(2) *Baseline data.* (i) Why each proposed *baseline* (as defined in this notice) is valid; or (ii) If the applicant has determined that there are no established *baseline* data for a particular *performance measure,* an explanation of why there is no established *baseline* and of how and when, during the project period, the applicant would establish a valid *baseline* for the *performance measure.*

(3) *Performance targets.* Why each proposed *performance target* (as defined in this notice) is *ambitious* (as defined in this notice), yet achievable, compared to the *baseline* for the *performance measure* and when, during the project period, the applicant would meet the *performance target*(s).

Note: The Secretary encourages applicants to consider developing project-specific *performance measures* and targets tied to their grant activities as well as to student academic achievement during the grant period. The project-specific *performance measures* should be sufficient to gauge the progress throughout the grant period, show results by the end of the grant period, and be included in the *logic model* as outlined in the Application Requirements section of this document.

(4) *Data Collection.* The applicant must also describe in the application: (i) The data collection and reporting methods the applicant would use and why those methods are likely to yield reliable, valid, and meaningful performance data, and (ii) the applicant's capacity to collect and report reliable, valid, and meaningful performance data, as evidenced by high-quality data collection, analysis, and reporting in other projects or research.

Note: If the applicant does not have experience with collection and reporting of performance data through other projects or research, the applicant should provide other evidence of capacity to successfully carry out data collection and reporting for their proposed project.

All grantees must submit an annual performance report with information that is responsive to these *performance measures.*

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the *performance targets* in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

6. *Project Director's Meeting:* Applicants approved for funding under this competition must attend a two-day meeting for project directors at a location to be determined in the continental United States during each year of the project. Applicants may include the cost of attending this meeting in their proposed budgets.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Kathryn Meeley, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. Telephone: (202) 453–6818 or by email: *Kathryn.Meeley@ed.gov.* If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.*, braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys*. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 18, 2016.

Nadya Chinoy Dabby,

Assistant Deputy Secretary for Innovation and Improvement.

Appendix: Scoring Allocation Chart

Peer reviewers will use this scoring allocation chart in evaluating an SEA's response and assigning points to each selection criterion. The maximum possible score for addressing each criterion and its component factors (if applicable) is provided in the chart below. The maximum possible total score (based on the selection criteria and not including the competitive preference priorities) is 100 points, except that, for SEAs in States that first enacted a charter school law less than five years before the closing date of this competition, the maximum possible total score is 85 points because, as noted in the notice, the Secretary does not consider selection criterion (c) *Past Performance* in evaluating applications from these States.

CSP GRANTS FOR SEAs—FY 2016 GRANT COMPETITION

Selection criteria	Maximum factor points (up to)	Maximum selection criterion points (max)
(a) Educationally Disadvantaged Students	N/A	15
(b) Vision for Growth and Accountability		
(b)(1) Support the Creation of High-Quality Charter Schools		
(b)(2) Support the Closure of Academically Poor-Performing Charter Schools	N/A	10
(c) Past Performance *(N/A for States with new charter school laws)*		
(c)(1) Increase—High-Quality Charter Schools		
(c)(2) Decrease—Academically Poor-Performing Charter Schools	N/A	15/0*
(d) Project Design		20
(d)(1) Process for Awarding Subgrants	10	
(i) Application and Peer Review Process.		
(ii) Year-by-Year Estimate:.		
(a) Subgrant Numbers and Award Amounts.		
(b) Quality of Previous Grant Applicant Pool.		
(d)(2) Process for Monitoring CSP Subgrantees	10	
(e) Dissemination of Information and Best Practices		10
(e)(1) Serve as a Dissemination Leader in the State Using Data to Assess Impact	7	
(e)(2) Student Discipline and School Climate	3	
(f) Oversight of Authorized Public Chartering Agencies		25
(f)(1) Quality of SEA's Plan to Ensure that Authorizers are:		
(i) Focusing on Racial and Ethnic Diversity in Student Bodies		
(ii) Establishing Measureable Performance Expectations		
(iii) Providing Annual Public Performance Reports		
(iv) Supporting Charter School Autonomy	20	
(f)(2) Quality of SEA's Plan to Ensure that Authorizers are:		
(i) Seeking and Approving High-Quality Charter Schools		
(ii) Monitoring and Conducting In-depth Reviews		
(iii) Using Data for Renewal and Revocation Decisions		
(iv) Ensuring Accountability During Accountability Transition	5	
(g) Policy Context for Charter Schools		
(g)(1) Degree of Flexibility		
(i) Exempt from State or Local Rules		
(ii) High Degree of Autonomy		
(g)(2) Comply with Federal Law	N/A	5
Selection Criteria Subtotal		*100/85**

Competitive preference priorities	Factor points (up to)	Maximum priority points (max)
(1) High-Quality Authorizing and Monitoring Processes		15
(1)(a) Multi-tiered clearance or review of a charter school	5	
(1)(b) Differentiated review of charter petitions	5	
(1)(c) Measure and benchmark performance of authorizers	5	
(2) One Authorized Public Chartering Agency Other than a Local Educational Agency, or an Appeals Process	N/A	5
TOTAL POSSIBLE POINTS *(selection criteria points awarded converted to a base of 100 + possible 20 competitive preference priority points = max 120 points)*		120

* Applicants that are not required to respond to selection criterion C *Past Performance* can receive a maximum of 85 total points for the selection criteria.

[FR Doc. 2016–09298 Filed 4–20–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Innovative Approaches to Literacy Program; Supplemental Notice

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Supplemental notice inviting applications.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.215G

SUMMARY: On April 7, 2016, the Office of Elementary and Secondary Education of the U.S. Department of Education published in the **Federal Register** (81 FR 20376) a notice inviting applications for new awards for fiscal year (FY) 2016 for the Innovative Approaches to Literacy (IAL) program. This supplemental notice clarifies that, consistent with Congressional intent and the prior notices inviting applications for the IAL program, the Secretary reserves the right to award at least 50 percent of available IAL funds to local educational agencies (LEAs) that submit high-quality applications (on behalf of school libraries) for high-quality school library projects that increase access to a wide range of literacy resources (either print or electronic) and provide learning opportunities for all students. This notice provides clarification and does not change any portion of the April 7, 2016 notice inviting applications.

Deadline for Transmittal of Applications: May 9, 2016.

SUPPLEMENTARY INFORMATION: We are clarifying that, in accordance with the Senate report that accompanied the Consolidated Appropriations Act, 2016 (S. Rep. No. 114–74, at 170 (2015)) and the prior notices inviting applications for the IAL program, the Secretary reserves the right to fund a sufficient number of high-quality literacy and book distribution projects to ensure that no less than 50 percent of IAL funds go to applications from LEAs (on behalf of school libraries) for high-quality school library projects that increase access to a wide range of literacy resources (either print or electronic) and provide learning opportunities for all students.

Program Authority: Sections 5411–5413 of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001; title III of Division H of Public Law 114–113, the Consolidated Appropriations Act, 2016.

FOR FURTHER INFORMATION CONTACT: Beth Yeh, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E332, Washington, DC 20202–6200. Telephone: (202) 205–5798 or by email: *beth.yeh@ed.gov.*

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 18, 2016.

Ann Whalen,

Senior Advisor to the Secretary Delegated the Duties of Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2016–09287 Filed 4–20–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP16–618–000]

Algonquin Gas Transmission, LLC; Notice of Technical Conference

Take notice that a technical conference will be held in this proceeding on Monday, May 9, 2016, beginning at 10:00 a.m. and ending at approximately 3:30 p.m., at the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. All interested parties are invited to attend the conference. Commission members may participate in the conference.

The purpose of the technical conference is to examine the issues raised in the protests and comments regarding the February 19, 2016 filing made by Algonquin Gas Transmission, LLC (Algonquin). In that filing, Algonquin proposed to exempt from the capacity release bidding requirements certain types of capacity releases of firm transportation by electric distribution companies that are participating in state-regulated electric reliability programs.[1] Issues to be examined at the technical conference include concerns raised regarding the basis and need for the waiver.

Those interested in speaking at the technical conference should notify the Commission by April 25, 2016 by completing the online form at the following Web page: *https://www.ferc.gov/whats-new/registration/05-09-16-speaker-form.asp.* Those interested in attending the technical conference are encouraged, but not required, to register at the following Web page: *https://www.ferc.gov/whats-new/registration/05-09-16-form.asp.*

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[1] *Algonquin Gas Transmission, LLC,* 154 FERC ¶ 61,269 (2016).

This event will be webcast and transcribed. Anyone with internet access can navigate to the "FERC Calendar" at *www.ferc.gov,* and locate the technical conference in the Calendar of Events. Opening the technical conference in the Calendar of Events will reveal a link to its webcast. The Capitol Connection provides technical support for the webcast and offers the option of listening to the meeting via phone-bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or call 703–993–3100. Transcripts of the conference will be immediately available for a fee from Ace-Federal Reporters, Inc. (202–347–3700).

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or (202) 502–8659 (TTY), or send a FAX to (202) 208–2106 with the required accommodations.

For more information about this technical conference, please contact Anna Fernandez at *Anna.Fernandez@ferc.gov* or (202) 502–6682. For information related to logistics, please contact Sarah McKinley at *Sarah.Mckinley@ferc.gov* or (202) 502–8368.

Dated: April 15, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–09229 Filed 4–20–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC16–102–000.

Applicants: 63SU 8ME LLC.

Description: Application under FPA Section 203 of 63SU 8ME LLC.

Filed Date: 4/14/16.

Accession Number: 20160414–5228.

Comments Due: 5 p.m. ET 5/5/16.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–1410–000.

Applicants: Torofino Trading LLC.

Description: Baseline eTariff Filing: Market-Based Rate Tariff Application to be effective 4/28/2016.

Filed Date: 4/14/16.

Accession Number: 20160414–5216.

Comments Due: 5 p.m. ET 5/5/16.

Docket Numbers: ER16–1411–000.

Applicants: CNR Energy LLC.

Description: Baseline eTariff Filing: CNR Energy LLC FERC MBR Authority Filing to be effective 7/1/2016.

Filed Date: 4/15/16.

Accession Number: 20160415–5003.

Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1412–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: 2016 Revised Added Facilities Rate under WDAT—Filing No. 5 to be effective 1/1/2016.

Filed Date: 4/15/16.

Accession Number: 20160415–5004.

Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1413–000.

Applicants: ISO New England Inc., New England Power Pool Participants Committee.

Description: § 205(d) Rate Filing: Revisions to the ISO New England Information Policy to be effective 6/15/2016.

Filed Date: 4/15/16.

Accession Number: 20160415–5029.

Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1414–000.

Applicants: Duke Energy Florida, LLC, Duke Energy Carolinas, LLC.

Description: § 205(d) Rate Filing: Joint OATT Real Power Loss (DEF) 2016 to be effective 5/1/2016.

Filed Date: 4/15/16.

Accession Number: 20160415–5037.

Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1415–000.

Applicants: Northern States Power Company, a Minnesota corporation.

Description: Compliance filing: Re-baseline to be effective 4/16/2016.

Filed Date: 4/15/16.

Accession Number: 20160415–5059.

Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1416–000.

Applicants: Northern States Power Company, a Wisconsin corporation.

Description: Compliance filing: Re-baseline to be effective 4/16/2016.

Filed Date: 4/15/16.

Accession Number: 20160415–5073.

Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1417–000.

Applicants: Public Service Company of New Mexico.

Description: Compliance filing: eTariff Compliance Filing of OATT Revisions to be effective 8/2/2013.

Filed Date: 4/15/16.

Accession Number: 20160415–5083.

Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1418–000.

Applicants: Public Service Company of New Mexico.

Description: Compliance filing: eTariff Compliance Filing of NTUA Revisions to be effective 8/2/2013.

Filed Date: 4/15/16.

Accession Number: 20160415–5084.

Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1419–000.

Applicants: Public Service Company of New Mexico.

Description: Compliance filing: eTariff Compliance Filing of Navopache Revisions to be effective 8/2/2013.

Filed Date: 4/15/16.

Accession Number: 20160415–5086.

Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1420–000.

Applicants: Southwestern Public Service Company.

Description: Compliance filing: Re-baseline to be effective 4/16/2016.

Filed Date: 4/15/16.

Accession Number: 20160415–5088.

Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1421–000.

Applicants: Public Service Company of New Mexico.

Description: Compliance filing: eTariff Compliance Filing of WAPA Revisions to be effective 8/2/2013.

Filed Date: 4/15/16.

Accession Number: 20160415–5094.

Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1422–000.

Applicants: Public Service Company of Colorado.

Description: Compliance filing: Re-baseline to be effective 4/16/2016; also filed was a Supplement to April 15, 2016 Public Service Company of Colorado tariff filing.

Filed Date: 4/15/16.

Accession Number: 20160415–5106, 20160415–5134.

Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1423–000.

Applicants: Public Service Company of New Mexico.

Description: Tariff Cancellation: Notice of Cancellation of Records to be effective 8/2/2013.

Filed Date: 4/15/16.

Accession Number: 20160415–5137.

Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1424–000.

Applicants: Northern States Power Company, a Minnesota corporation.

Description: Tariff Cancellation: 2016–4–15_NSPM Cancel Tariff ID Filing to be effective 4/15/2016.

Filed Date: 4/15/16.
Accession Number: 20160415–5143.
Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1425–000.
Applicants: Northern States Power Company, a Wisconsin corporation.
Description: Tariff Cancellation: 2016–4–15_NSPW Cancel Clarity Tariff ID Filing to be effective 4/15/2016.
Filed Date: 4/15/16.
Accession Number: 20160415–5144.
Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1426–000.
Applicants: Southwestern Public Service Company.
Description: Tariff Cancellation: 2016–4–15_SPS Cancel Clarity Tariff ID Filing to be effective 4/15/2016.
Filed Date: 4/15/16.
Accession Number: 20160415–5150.
Comments Due: 5 p.m. ET 5/6/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 15, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–09224 Filed 4–20–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP16–125–000]

National Fuel Gas Supply Corporation; Notice of Application

Take notice that on April 4, 2016, National Fuel Gas Supply Corporation (National Fuel), 6363 Main Street, Williamsville, New York 14221, filed an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting authority to construct, replace, and abandon existing pipelines and modify compressor facilities along the T2K, TNY, and KNY natural gas pipelines, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The cost for the proposed project work is $29,382,602.

Any questions concerning this application should be directed to Laura P. Berloth, Attorney, National Fuel Gas Supply Corporation, 6363 Main Street, Williamsville, New York 14221–5887, by phone at (716) 857–7001, by fax at (716) 857–7206, or by email at *berlothl@natfuel.com.*

Specifically, National Fuel seeks to; (i) construct and operate 1.2 miles of new 20-inch-diameter pipeline, adding 2,600 dekatherms per day (Dth/d) of new firm service capacity (Line T2K Install); (ii) replace approximately 6.7 miles of 20-inch-diameter bare steel pipeline with 7.0 miles of new 24-inch-diameter coated pipeline (Line TNY Replacement); and (iii) abandon approximately 14.9 miles of 20-inch-diameter bare steel pipeline (Line KNY Abandonment), all located in Erie County, New York.

The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 5 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on May 6, 2016.

Dated: April 15, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–09227 Filed 4–20–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7656–012]

John A. Dodson; Notice of Proposed Termination of License by Implied Surrender and Soliciting Comments, Protests and Motions To Intervene

Take notice that the following hydroelectric proceeding has been initiated by the Commission:

a. *Type of Proceeding:* Proposed Termination of License by Implied Surrender.

b. *Project No.:* 7656–012.

c. *Date Initiated:* April 14, 2016.

d. *Licensee:* John A. Dodson.

e. *Name and Location of Project:* Buttermilk Falls Hydroelectric Project located on Buttermilk Falls Brook, in Orange County, New York.

f. *Filed Pursuant to:* Standard Article 16.

g. *Licensee Contact Information:* Mr. John A. Dodson, P.O. Box 221, Highland Falls, New York 10928, Phone: (914) 446–7704.

h. *FERC Contact:* Mr. Ashish Desai, (202) 502–8370, *Ashish.Desai@ferc.gov.*

i. Deadline for filing comments, protests, and motions to intervene is 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file comments, protests, and motions to intervene using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–7656–012.

j. Description of Project Facilities: (1) An 18-inch-high, 15-foot-long dam; (2) an 18-inch-diameter, 400-foot-long PVC penstock; (3) a powerhouse containing two generating units for a total installed capacity of 79 kilowatts; (4) a 300-foot-long, 480-volt transmission line; and (5) appurtenant facilities.

k. Description of Proceeding: The licensee is in violation of standard Article 16 of its license issued on June 24, 1986 (35 FERC ¶ 62,532). Article 16 states, in part: If the Licensee shall abandon or discontinue good faith operation of the project or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission mailed to the record address of the Licensee or its agent, the Commission will deem it to be the intent of the Licensee to surrender the license.

Commission records indicate that the project has not been operated since the fall of 2012 when heavy storms flooded the powerhouse. Due to an ongoing property rights dispute involving access to and the use of lands needed for project purposes, the licensee has been reluctant to repair the project and return it to service. In addition, the licensee has not responded to several Commission requests to file a plan and schedule to restore project operation in a timely manner.

l. This notice is available for review and reproduction at the Commission in the Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The notice and other project records may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the Docket number (P–7656–012) excluding the last three digits in the docket number field to access the notice. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call toll-free (866) 208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents: Any filing must (1) bear in all capital letters the title "COMMENTS," "PROTEST," or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, protests, or motions to intervene should relate to project works which are the subject of the implied surrender. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: April 15, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–09228 Filed 4–20–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP16–121–000; PF15–28–000]

National Grid LNG LLC; Notice of Application

Take notice that on April 1, 2016, National Grid LNG LLC (NGLNG), having its principal place of business at 40 Sylvan Rd, Waltham, MA 02451, filed in the above referenced docket an application pursuant to sections 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting authorization to construct and operate its Fields Point Liquefaction Project (Project) located in Providence, RI, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application may be directed to Andrea Wolfman, Alston & Bird LLP, 950 F Street NW., Washington, DC 20004; by calling (202) 239–3943; by faxing (202) 239–3943; or by emailing *andrea.wolfman@alston.com.*

Specifically, NGLNG proposes to construct and operate one (1) new 20 million cubic feet per day (MMcf/d) gas pretreatment and liquefaction system to convert natural gas delivered by pipeline into liquefied natural gas (LNG). The liquefaction facility is designed to enable NGLNG to provide up to 20,600 dekatherms per day (Dth/day) liquefaction service at its existing LNG storage facility. NGLNG estimates the total cost of the liquefaction Project to be $180 million. Additionally, NGLNG intends to undertake another project on its existing plant site at the same time. A storage tank containment enhancement project, called the Bund Wall Project, is planned to add a reinforced concrete bund wall around the existing tank. Both of these projects will be reviewed by the Commission in a single environment review process which has been underway per the Notice of Intent to Prepare an Environmental Document issued in Docket No. PF15–28–000 on September 25, 2015.

On July 2, 2015 the Commission granted NGLNG's request to utilize the Pre-Filing Process and assigned Docket No. PF15–28–000 to staff activities involved in the Project. Now, as of the filing of the April 1, 2016 application, the Pre-Filing Process for this Project has ended. From this time forward, this proceeding will be conducted in Docket No. CP16–121–000 as noted in the caption of this Notice.

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on May 6, 2016.

Dated: April 15, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–09226 Filed 4–20–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP16–834–000.

Applicants: Sabine Pipe Line LLC.

Description: § 4(d) Rate Filing: Sabine Clean-up Filing 4–12–16 to be effective 4/1/2016.

Filed Date: 4/12/16.

Accession Number: 20160412–5114.

Comments Due: 5 p.m. ET 4/25/16.

Docket Numbers: RP16–835–000.

Applicants: Kinetica Energy Express, LLC.

Description: Compliance filing Compliance Filing for Order Nos 587–W and 809 Revised Sheet 119 to be effective 4/1/2016.

Filed Date: 4/12/16.

Accession Number: 20160412–5292.

Comments Due: 5 p.m. ET 4/25/16.

Docket Numbers: RP16–836–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20160412 Negotiated Rate to be effective 4/13/2016.
Filed Date: 4/12/16.
Accession Number: 20160412–5294.
Comments Due: 5 p.m. ET 4/25/16.

Docket Numbers: RP16–837–000.
Applicants: Black Marlin Pipeline Company.
Description: Black Marlin Pipeline Company's 2016 Cash-Out Report.
Filed Date: 4/12/16.
Accession Number: 20160412–5310.
Comments Due: 5 p.m. ET 4/25/16.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP16–474–001.
Applicants: ANR Storage Company.
Description: Compliance filing Compliance to RP16–474–000 to be effective 4/1/2016.
Filed Date: 4/12/16.
Accession Number: 20160412–5079.
Comments Due: 5 p.m. ET 4/25/16.

Docket Numbers: RP16–481–001.
Applicants: Bison Pipeline LLC.
Description: Compliance filing Compliance to RP16–481–000 to be effective 4/1/2016.
Filed Date: 4/12/16.
Accession Number: 20160412–5080.
Comments Due: 5 p.m. ET 4/25/16.

Docket Numbers: RP16–485–001.
Applicants: Blue Lake Gas Storage Company.
Description: Compliance filing Compliance to RP16–485–000 to be effective 4/1/2016.
Filed Date: 4/12/16.
Accession Number: 20160412–5077.
Comments Due: 5 p.m. ET 4/25/16.

Docket Numbers: RP16–563–001.
Applicants: Pine Needle LNG Company, LLC.
Description: Compliance filing Pine Needle Order No. 587–W (NAESB Version 3.0) Second Compliance to be effective 4/1/2016.
Filed Date: 4/12/16.
Accession Number: 20160412–5278.
Comments Due: 5 p.m. ET 4/25/16.

Docket Numbers: RP16–565–001.
Applicants: Transcontinental Gas Pipe Line Company,
Description: Compliance filing Order No. 587–W (NAESB Version 3.0) Second Compliance to be effective 4/1/2016.
Filed Date: 4/12/16.
Accession Number: 20160412–5291.
Comments Due: 5 p.m. ET 4/25/16.

Docket Numbers: RP16–571–001.
Applicants: Enable Mississippi River Transmission, L.
Description: Compliance filing NAESB 3.0 Compliance Filing to be effective 4/1/2016.
Filed Date: 4/12/16.
Accession Number: 20160412–5130.
Comments Due: 5 p.m. ET 4/25/16.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 13, 2016.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2016–09255 Filed 4–20–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–1427–000.
Applicants: Public Service Company of Colorado.
Description: Tariff Cancellation: 2016–4–15_PSCo Cancel Tariff ID to be effective 4/15/2016.
Filed Date: 4/15/16.
Accession Number: 20160415–5152.
Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1428–000.
Applicants: Public Service Company of Colorado.
Description: Compliance filing: Rebaseline to be effective 4/16/2016.
Filed Date: 4/15/16.
Accession Number: 20160415–5157.
Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1429–000.
Applicants: Northern States Power Company, a Minnesota corporation.
Description: Compliance filing: Rebaseline to be effective 4/16/2016.
Filed Date: 4/15/16.
Accession Number: 20160415–5167.
Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1430–000.
Applicants: Northern States Power Company, a Wisconsin corporation.
Description: Compliance filing: Rebaseline to be effective 4/16/2016.
Filed Date: 4/15/16.
Accession Number: 20160415–5168.
Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1431–000.
Applicants: Southwestern Public Service Company.
Description: Compliance filing: Rebaseline to be effective 4/16/2016.
Filed Date: 4/15/16.
Accession Number: 20160415–5177.
Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1432–000.
Applicants: Southwestern Public Service Company.
Description: Tariff Cancellation: 4–15–16 SPS Tariff ID1000 NOC to be effective 4/15/2016.
Filed Date: 4/15/16.
Accession Number: 20160415–5181.
Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1433–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: 2016 Revised Added Facilities Rate under WDAT—Filing No. 6 to be effective 1/1/2016.
Filed Date: 4/15/16.
Accession Number: 20160415–5182.
Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1434–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: Compliance filing: Zonal Demand Curves 206 Filing to be effective 6/15/2016.
Filed Date: 4/15/16.
Accession Number: 20160415–5202.
Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1435–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: Tri-State Master Install, O&M Agmt for Metering Equipment to be effective 6/15/2016.
Filed Date: 4/15/16.
Accession Number: 20160415–5206.
Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1436–000.
Applicants: Public Service Company of Colorado.
Description: Tariff Cancellation: 20160415_PSCo Tariff Cancellation to be effective 4/15/2016.

Filed Date: 4/15/16.
Accession Number: 20160415–5256.
Comments Due: 5 p.m. ET 5/6/16.

Docket Numbers: ER16–1437–000.
Applicants: 62SK 8ME LLC.
Description: § 205(d) Rate Filing: CO-TENANCY AND SHARED FACILITIES Normal to be effective 6/7/2016.
Filed Date: 4/15/16.
Accession Number: 20160415–5263.
Comments Due: 5 p.m. ET 5/6/16.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES16–28–000.
Applicants: American Transmission Company LLC, ATC Management Inc.
Description: Application under Section 204 of the Federal Power Act for Authorization to Issue Securities of American Transmission Company LLC.
Filed Date: 4/15/16.
Accession Number: 20160415–5178.
Comments Due: 5 p.m. ET 5/6/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 15, 2016.

Kimberly D. Bose,
Secretary.

[FR Doc. 2016–09225 Filed 4–20–16; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2014–0738; FRL–9945–15–OAR]

Notice of Final Approval for the Operation of a Pressure-Assisted Multi-Point Ground Flare at Occidental Chemical Corporation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; final approval.

SUMMARY: This notice announces our approval of the Alternative Means of Emission Limitation (AMEL) request for the operation of a multi-point ground flare (MPGF) at Occidental Chemical Corporation's (OCC) ethylene plant in Ingleside, Texas. This approval notice specifies the operating conditions and monitoring, recordkeeping, and reporting requirements for demonstrating compliance with the AMEL request that this facility must follow. In addition, this notice finalizes a framework that facilities can follow to help expedite and streamline approval of future AMEL requests for pressure-assisted MPGF.

DATES: The AMEL request for the MPGF at OCC's ethylene plant in Ingleside, Texas, is approved and in effect on April 21, 2016.

ADDRESSES: The Environmental Protection Agency (EPA) has established a docket for this action under Docket ID No. EPA–HQ–OAR–2014–0738. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov,* or in hard copy at the EPA Docket Center, EPA WJC West Building, Room Number 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: For questions about this final action, contact Mr. Andrew Bouchard, Sector Policies and Programs Division (E143–01), Office of Air Quality Planning and Standards (OAQPS), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–4036; fax number: (919) 541–0246; and email address: *bouchard.andrew@epa.gov.*

SUPPLEMENTARY INFORMATION:

Acronyms and Abbreviations

We use multiple acronyms and terms in this notice. While this list may not be exhaustive, to ease the reading of this notice and for reference purposes, the EPA defines the following terms and acronyms here:

AMEL	alternative means of emission limitation
Btu/scf	British thermal units per standard cubic foot
CBI	confidential business information
CFR	Code of Federal Regulations
EPA	Environmental Protection Agency
Eqn	equation
FR	Federal Register
GC	gas chromatograph
HAP	hazardous air pollutants
LFL	lower flammability limit
LFL_{cz}	combustion zone lower flammability limit
MPGF	multi-point ground flare
NESHAP	national emission standards for hazardous air pollutants
NHV	net heating value
NHV_{cz}	combustion zone net heating value
NSPS	new source performance standards
OAQPS	Office of Air Quality Planning and Standards
OCC	Occidental Chemical Corporation
PS	Performance Specification
QA	quality assurance
QC	quality control
VOC	volatile organic compounds

Organization of This Document. The information in this notice is organized as follows:

I. Background
  A. Summary
  B. Regulatory Flare Requirements and OCC's AMEL Request
II. Summary of Public Comments on OCC's AMEL Request and the Framework for Streamlining Approval of Future Pressure-Assisted MPGF AMEL Requests
  A. OCC's AMEL Request
  B. Framework for Streamlining Approval of Future Pressure-Assisted MPGF AMEL Requests
III. Final Notice of Approval of OCC's AMEL Request and Required Operating Conditions
IV. Final Framework for Streamlining Approval of Future Pressure-Assisted MPGF AMEL Requests

I. Background

A. Summary

On August 31, 2015, the EPA published an initial notification in the **Federal Register** (FR) acknowledging receipt of an AMEL approval request for the operation of an MPGF at OCC's ethylene plant in Ingleside, Texas, (see 80 FR 52426, August 31, 2015). This initial notification solicited comment on all aspects of the AMEL request and the resulting alternative operating conditions that are necessary to achieve a reduction in emissions of volatile organic compounds (VOC) and organic hazardous air pollutants (HAP) at least equivalent to the reduction in emissions required by various standards in 40 CFR parts 60, 61, and 63 that apply to emission sources that would be controlled by these pressure-assisted

MPGF. These standards point to the operating requirements for flares in the General Provisions to parts 60 and 63, respectively, to comply with the emission reduction requirements. Because pressure-assisted MPGF cannot meet the velocity requirements in the General Provisions, OCC requested an AMEL. This action provides a summary of the comments received as part of the public review process, our responses to those comments, and our approval of the AMEL request received from OCC for use of a pressure-assisted MPGF at their Ingleside, Texas, ethylene plant, along with the operating conditions they must follow for demonstrating compliance with the AMEL request.

Additionally, the August 31, 2015, FR initial notification also solicited comment on a framework for streamlining future MPGF AMEL requests that we anticipate, when followed, would afford the Agency the ability to review and approve future AMEL requests for MPGF in a more efficient and expeditious manner. This action provides a summary of comments received on the framework as part of the public review process, our responses to those comments, and finalizes a framework for streamlining future pressure-assisted MPGF AMEL requests. We note that future AMEL requests would still require a notice and an opportunity for the public to comment.

B. Regulatory Flare Requirements and OCC's AMEL Request

OCC submitted an AMEL request to the EPA on December 16, 2014, seeking to operate an MPGF for use during limited high-pressure maintenance, startup, and shutdown events, as well as emergency situations at their ethylene plant in Ingleside, Texas. In their request, OCC cited various regulatory requirements in 40 CFR parts 60, 61, and 63 that will apply to the flare waste gas streams that will be collected and routed to their pressure-assisted MPGF. OCC sought such an AMEL request because their MPGF is not designed to operate below the maximum permitted velocity requirements for flares in the General Provisions of 40 CFR parts 60 and 63. OCC provided information that the MPGF they propose to use will achieve a reduction in emissions at least equivalent to the reduction in emissions for flares complying with these General Provisions requirements (for further background information on the regulatory flare requirements and a facility's ability to request an AMEL, see 80 FR 52427–52428, August 31, 2015).

II. Summary of Public Comments on OCC's AMEL Request and the Framework for Streamlining Approval of Future Pressure-Assisted MPGF AMEL Requests

This section contains a summary of major comments and responses, and rationale for the approved MPGF operating conditions and monitoring, recordkeeping, and reporting requirements necessary to ensure the MPGF will achieve a reduction in emissions of HAP and VOC at least equivalent to the reduction in emissions of other traditional flare systems complying with the requirements in 40 CFR 60.18(b) and 40 CFR 63.11(b). This section also contains a summary of the major comments and responses received on the framework for streamlining approval of future MPGF AMEL requests and our rationale for finalizing this framework.

A. OCC's AMEL Request

Comment: Commenters stated that the LFL_{cz} equation (*i.e.,* Eqn. 2 in Section III below) should be revised so that the calculated LFL_{vg} is expressed in volume percent rather than in volume fraction.

Response: While the equation is mathematically correct with respect to calculating LFL_{vg} in volume fraction, we agree with the commenters that it should be revised to reflect the same units as the compliance metric of LFL_{vg} in volume percent. Since multiplying the volume fraction term by 100 will yield a result in units of volume percent, we have updated Eqn. 2 in Section III to reflect this consistency change.

Comment: Commenters stated that the calibration requirements in Table 2 of Section III of this notice require OCC to monitor net heating value by gas chromatograph (GC) and follow the procedure in Performance Specification (PS) 9 of 40 CFR part 60, appendix B, and that these requirements require a daily mid-level calibration check and that the EPA should change them from a daily basis to a weekly basis. Commenters stated that a weekly calibration should be allowed because operating conditions in Table 2 in Section III(1)(f) of this notice only allow the time needed to perform a daily calibration, along with other maintenance periods and instrument adjustments, to not exceed 5 percent and that a daily calibration will lead to a built-in loss of monitor downtime of almost 5 percent since it requires 1 hour in a 24-hour day (*e.g.,* 4.2 percent of the time). Commenters also requested that this monitor downtime should be calculated on a rolling 12-month basis for compliance purposes and that the EPA clarify that the calibration and maintenance procedures conducted when the flare is not receiving regulated material be excluded from the monitor downtime calculation.

Response: The requirement to perform a daily mid-level calibration check for a GC is codified in the procedure of PS 9 of 40 CFR part 60, appendix B, and Table 2 of Section III in this notice already provides some relief with respect to the amount of analysis needed (*i.e.,* a single daily mid-level calibration check can be used (rather than triplicate analysis)) for the calibration checks on a GC. The AMEL does not require monitoring with a GC, but rather allows for the use of either a GC or a calorimeter to demonstrate compliance with the monitoring and operating requirements. Given that OCC's MPGF will handle both planned maintenance, startup and shutdown events as well as potential emergency situations, a monitoring system used to demonstrate compliance for this AMEL must be capable of producing a reliable result instantaneously, and the more frequent (*i.e.,* daily) calibrations required in PS 9 provides a high level of assurance that the GC reading will be both precise and accurate. Thus, we are not changing the requirement within PS 9 to allow less frequent (*i.e.,* weekly) calibration checks for a GC. We do understand that monitoring equipment can break down or need maintenance from time to time to continue to perform reliably. Therefore, to provide flexibility that ensures the GC is maintained properly, we are clarifying that calibration and maintenance procedures conducted when the flare is not receiving regulated material are excluded from the monitor downtime calculation. Also, we are clarifying that monitor downtime to perform calibration and maintenance procedures may not exceed 5 percent of the time when the flare is receiving regulated material, calculated on an annual, non-rolling average basis as OCC further clarified in their comments on the AMEL request during a conference call with the EPA (see memorandum, "Meeting Record for January 12, 2016, Meeting Between the U.S. EPA and Occidental Chemical Corporation," at Docket ID No. EPA–HQ–OAR–2014–0738).

Comment: Commenters stated that the EPA should include a provision in the final AMEL to allow a small percentage of downtime (*i.e.,* 5 percent of the time the flare is receiving regulated material) for video camera maintenance and repair/replacement. One commenter asked for the EPA to add language to clarify that the video camera requirement for monitoring visible emissions applies only when the flare is receiving regulated material.

Response: Given that the MPGFs approved in earlier AMELs, as well as OCC's MPGF, are all back-up control devices, we are clarifying that the video camera requirement for monitoring visible emissions applies only when the flare is receiving regulated material. Furthermore, while we realize that MPGFs have sufficiently tall fences built around them primarily for safety, their design does pose a potential challenge with respect to allowing a person on the ground to monitor the MPGFs for visible emissions. Given that the AMEL requests we have approved to date from The Dow Chemical Company (Dow) and ExxonMobil Chemical Company (ExxonMobil) (see 80 FR 52426, August 31, 2015), as well as this AMEL approved for OCC, all allow for permitted use of MPGF only in cases of maintenance, startup, shutdown, and emergency situations and not on a continuous basis, the time when the MPGF is not in operation should be sufficient for video camera maintenance and repair/replacement to occur. Therefore, we are not including a provision to allow any downtime for video camera maintenance and repair/replacement when the MPGF is receiving regulated material.

Comment: A few commenters suggested that the EPA clarify the language in the referenced operating conditions in Section III(2) of this notice which states: "Each stage of MPGF burners must have at least two pilots with a continuously lit pilot flame." Specifically, commenters requested that the EPA clarify that while each stage of the MPGF is equipped with a minimum of two pilots, that only one continuously lit pilot flame is needed when the stage is in operation.

Response: We disagree that it is necessary to change the operating conditions language in Section III(2) as suggested by the commenters, and we believe the requirements for the OCC AMEL approval should be consistent with the previous AMEL operating conditions published for both Dow and ExxonMobil (see 80 FR 52426, August 31, 2015). The operating conditions in Section III(2) and reporting requirements in Section III(6) of this notice are clear that the MPGF system should be equipped with a minimum of two pilots per stage and that a flame must be present at all times the stage is in use and burning regulated material. In addition, a complete loss of pilot flame for more than 1 minute in a 15-minute period is an excess emission that must be reported.

Comment: One commenter requested that the EPA clarify the language with respect to requiring "records" in the excess emissions reporting requirements and suggested replacing the term with "periods."

Response: We disagree with changing the terminology "records" to "periods" in the excess emissions reporting requirements. Section III(6)(c) of the operating conditions below are clear that we are not requiring reporting of all records that an owner or operator may keep or that they may be required to keep as a condition of AMEL approval for a given MPGF, but rather, that the owner or operator must report the specific information in the excess emissions report.

B. Framework for Streamlining Approval of Future Pressure-Assisted MPGF AMEL Requests

Comment: One commenter stated that the framework for streamlining approval of future MPGF AMEL requests should not require information unrelated to a burner equivalency determination, information that has already been submitted to other parts of the Agency for permitting purposes, or proprietary MPGF burner design information. Specifically, the commenter stated that the EPA should remove the following information from the framework that owners or operators seeking approval of an MPGF AMEL are required to submit:

- Details of the overall emissions control scheme: Section IV(1)(b).
- MPGF capacity and operation (including number of rows (stages), number of burners and pilots per stage and staging curve): Section IV(1)(b).
- MPGF burner size and design: Section IV(1)(c) and (1)(d).
- Cross-light testing: Section IV(5) in its entirety.
- Flaring reduction considerations: Section IV(6)(a).

Another commenter stated that at Section IV(3)(a)(ii), for an engineering evaluation demonstration, once a burner of a specific type, size, and geometry has been tested on a waste gas, that burner can be considered to be proven stable and smokeless for that waste gas only. Further, the commenter states that engineering assessment and extrapolation should only be permitted under the framework where burner design and waste gas are the same as tested because any deviation in burner design or waste gas could lead to significant changes in stability or smokeless capacity.

Response: First, we note that the objective of the framework is to provide the regulated community with a clear and concise understanding of the minimum information that must be provided to the Agency so that we can adequately evaluate an MPGF AMEL request. The information listed in the framework is necessary to evaluate whether an MPGF operates properly and controls emissions of regulated material at least equivalent to applicable regulations. Hence, information related to details of the overall emissions control scheme, MPGF capacity, operation and burner size, cross-light testing, and flaring reduction considerations are all important and necessary information to adequately make an equivalency determination. Therefore, we are not removing them from the framework.

Second, with respect to submitting information that may have been developed and submitted already for permitting purposes, we note that this framework is designed to help streamline and expedite future approvals of MPGF AMEL requests. If an owner or operator does not submit the information set forth in the framework, additional time and resources will have to be spent to evaluate the AMEL request.

Lastly, with respect to concerns about MPGF burner design and the potential for some of the information to be proprietary (*e.g.*, geometry, tip drillings, and hole size), we note that the MPGF burner tests conducted to date indicate that flare head design (along with waste gas composition) can influence flame stability, which is one of the more important factors affecting performance of the MPGF that the Agency must consider in whether to approve an AMEL request and agree with the commenter that flare stability is affected by burner design/waste gas combination tested (see 80 FR 8023, February 13, 2015, for more details). To the extent the owner, operator or flare vendor/manufacturer considers this information to be CBI, they should note that in their MPGF AMEL request, and we will provide details on our CBI policy and procedures on how they should submit this information to the Agency after the AMEL request has been received. At a minimum, facilities should note the flare vendor and burner model name.

Comment: One commenter recommended that the framework allow flare vendors/manufacturers and owners or operators to determine and document the most appropriate burner testing durations (*e.g.*, 5-minute screening test to determine flameout followed by three 15-minute tests at other more stable points). Another commenter suggested that for the sole purpose of flame stability evaluation, 3 to 5 minutes is sufficient for a testing duration.

One commenter suggested that the specific requirements of the flare flame stability tests be enumerated in Section IV(4)(b) below since it references back to performance test information in Section IV(3)(a)(i).

Response: After consideration of the comments received during the comment period as well as the supplemental technical information received after the close of the comment period (see memorandum, "Meeting Record for January 7, 2016, Meeting Between the U.S. EPA and Zeeco," at Docket ID No. EPA–HQ–OAR–2014–0738), we agree with the commenters that the duration of the MPGF stability test runs in Section IV(4)(c) can be shortened from 15 minutes, but disagree with the commenters that we should allow flare vendors/manufacturers and owners or operators to determine and document the most appropriate burner testing durations. In reviewing the available test data on an MPGF where unstable test runs with constant conditions were observed, a few runs were aborted in 4 minutes or less due to instability (see memorandum, "Review of Available Test Data on Multipoint Ground Flares," at Docket ID No. EPA–HQ–OAR–2014–0738–0002). The commenters have suggested that the instability was related to the changing and decreasing heat content and composition of the fuel gas stream as the fuel gas mixture was being produced for the trial flare run. If the demonstration had instead relied upon a constant gas mixture that could have been produced in a mix tank, rather than an online mixer, than the demonstration of stability could have been done over a shorter duration. In addition, when correlating back the MPGF stability testing duration to the averaging time for a monitoring system like a GC that can be used to demonstrate compliance with the operating conditions laid out in Section III below, the total testing time of the three runs should tie back to the time it takes for one GC analysis cycle to occur (*e.g.*, 15 minutes in duration). Therefore, based on these reasons, as well as in order to minimize emissions from the MPGF stability testing requirements, we are finalizing in Section IV(4)(c) that the duration of each individual MPGF stability test run must be a minimum of 5 minutes in duration rather than the longer period of 15 minutes in duration that was in the initial framework.

Regarding the comment to enumerate the performance test information in Section IV(4)(b) rather than cross-referencing to Section IV(3)(a)(i), we disagree that the change is necessary.

Comment: One commenter stated that in lieu of using a generic olefin gas or an olefinic gas mixture for purposes of the destruction efficiency/combustion efficiency performance demonstration specified in the framework, the framework should require the performance test to be based only on waste gas representative of the proposed flaring application, in conjunction with the specific burner type proposed for use.

Response: As discussed in Section IV(3)(a), the framework provides the owner or operator with the option to test the MPGF using a representative waste gas or a waste gas, such as an olefin gas or olefinic gas mixture, that will challenge the performance and smokeless capacity of the MPGF. Since MPGF testing is occurring prior to plant construction and startup, sufficient representative waste gas may not be available to satisfy the testing requirements specified. Therefore, we allow olefin gas or olefinic gas mixtures to be considered since they represent the olefins industry where the MPGF installations are being used and since they have been shown to challenge MPGF performance. For this reason, we disagree with the commenter that we should amend this requirement in the framework.

Comment: A few commenters suggested that the EPA allow the AMEL framework to provide approval for alternate proposed combustion parameters or on-line monitoring requirements and technology.

One commenter suggested that the framework should provide success criteria for submittal and that a clear articulation of the criteria the Agency will use to promptly approve an AMEL request is needed.

Response: As laid out in Section IV (7) below, sources should consider all the information laid out in their AMEL application and make recommendations on the type of monitoring and operating conditions necessary for the MPGF to demonstrate equivalent reductions in emissions as compared to flares complying with the requirements at 40 CFR 60.18 and 40 CFR 63.11. Additionally, we note that while the framework should provide the regulated community a blueprint for the minimum information the Agency needs to review and eventually finalize an MPGF AMEL request, the Clean Air Act requires us to provide the public with notice and opportunity to comment on the AMEL (see 80 FR 8023, February 13, 2015, and 80 FR 52426, August 31, 2015, for more details) and consider this input before any AMEL request can be formally finalized. Because of this statutory requirement, we cannot provide any additional language for the regulated community with respect to promptly approving an AMEL request without first considering public comments regardless of whether or not all the information submitted to the Agency exactly follows the framework in Section IV below.

Comment: One commenter suggested that the framework should specify that cross-light testing is only required when every burner in the MPGF does not have a continuous pilot.

Another commenter agreed with the cross-light testing specified in the framework.

Response: An MPGF can have hundreds of burners and, when seeking an approval of an AMEL request, the owner or operator must demonstrate that the system can be operated with a flame present at all times when regulated material is routed to the flare and that the burners will light and combust this regulated material. To date, the AMEL requests for MPGF systems we have approved indicate that cross lighting will be used to light the vast majority of individual burners within a given stage, which is why this testing requirement is specified in the framework. If a future MPGF design will not use cross lighting, the owner or operator must demonstrate through testing how the burners within a stage will be lit to combust regulated material. Because this would be a different design from the MPGF that informed our development of the framework, different requirements from those specified in Section IV (5) below for the pilot flames and pilot monitoring systems may be required for such an MPGF system and these should be conveyed in the AMEL request.

Comment: One commenter suggested that a mechanism similar to the "Framework for Streamlining Approval for Future Pressure-Assisted MPGF AMEL" should also be made available for elevated flares that use pressure-assisted burners.

Response: While we understand the commenter's suggestion that the Agency clearly prescribe a path forward for evaluating non-MPGF pressure-assisted flare designs that may not be able to comply with the flare requirements of 40 CFR 60.18(b) or 40 CFR 63.11(b), this request is beyond the scope of both OCC's MPGF AMEL request and the framework for pressure-assisted MPGF.

III. Final Notice of Approval of OCC's AMEL Request and Required Operating Conditions

Based on information the EPA received from OCC and the comments received through the public comment period, we are approving OCC's request for an AMEL and establishing operating requirements for the pressure-assisted MPGF at OCC's Ingleside, Texas, ethylene plant. The operating conditions for OCC's MPGF that will achieve a reduction in emissions at least equivalent to the reduction in emissions being controlled by a steam-assisted, air-assisted, or non-assisted flare complying with the requirements of either 40 CFR 63.11(b) or 40 CFR 60.18(b) are as follows:

(1) The MPGF system must be designed and operated such that the combustion zone gas net heating value (NHV_{cz}) is greater than or equal to 800 British thermal units per standard cubic foot (Btu/scf) or the combustion zone gas lower flammability limit (LFL_{cz}) is less than or equal to 6.5 percent by volume. Owners or operators must demonstrate compliance with the NHV_{cz} or LFL_{cz} metric by continuously complying with a 15-minute block average. Owners or operators must calculate and monitor for the NHV_{cz} or LFL_{cz} according to the following:

a) Calculation of NHV_{cz}

(i) The owner or operator shall determine NHV_{cz} from compositional analysis data by using the following equation:

$$NHV_{vg} = \sum_{i=1}^{n} x_i NHV_i \qquad \text{(Eqn. 1)}$$

Where:

NHV_{vg} = Net heating value of flare vent gas, Btu/scf. *Flare vent gas* means all gas found just prior to the MPGF. This gas includes all flare waste gas (*i.e.,* gas from facility operations that is directed to a flare for the purpose of disposing of the gas), flare sweep gas, flare purge gas and flare supplemental gas, but does not include pilot gas.

i = Individual component in flare vent gas.

n = Number of components in flare vent gas.

x_i = Concentration of component *i* in flare vent gas, volume fraction.

NHV_i = Net heating value of component *i* determined as the heat of combustion where the net enthalpy per mole of offgas is based on combustion at 25 degrees Celsius (°C) and 1 atmosphere (or constant pressure) with water in the gaseous state from values published in the literature, and then the values converted to a volumetric basis using 20 °C for "standard temperature." Table 1 summarizes component properties including net heating values.

(ii) For MPGF, $NHV_{vg} = NHV_{cz}$.

(b) Calculation of LFL_{cz}

(i) The owner or operator shall determine LFL_{cz} from compositional analysis data by using the following equation:

$$LFL_{vg} = \frac{1}{\sum_{i=1}^{n}\left(\frac{\chi_i}{LFL_i}\right)} \times 100\% \qquad \text{(Eqn. 2)}$$

Where:

LFL_{vg} = Lower flammability limit of flare vent gas, volume percent (vol %).

n = Number of components in the vent gas.

i = Individual component in the vent gas.

χ_i = Concentration of component i in the vent gas, vol %.

LFL_i = Lower flammability limit of component *i* as determined using values published by the U.S. Bureau of Mines (Zabetakis, 1965), vol %. All inerts, including nitrogen, are assumed to have an infinite LFL (*e.g.,* $LFL_{N2} = \infty$, so that $\chi_{N2}/LFL_{N2} = 0$). LFL values for common flare vent gas components are provided in Table 1.

(ii) For MPGF, $LFL_{vg} = LFL_{cz}$.

(c) The operator of an MPGF system shall install, operate, calibrate, and maintain a monitoring system capable of continuously measuring flare vent gas flow rate.

(d) The operator shall install, operate, calibrate, and maintain a monitoring system capable of continuously measuring (*i.e.,* at least once every 15 minutes), calculating, and recording the individual component concentrations present in the flare vent gas or the owner or operator shall install, operate, calibrate, and maintain a monitoring system capable of continuously measuring, calculating, and recording NHV_{vg}.

(e) For each measurement produced by the monitoring system, the operator shall determine the 15-minute block average as the arithmetic average of all measurements made by the monitoring system within the 15-minute period.

(f) The operator must follow the calibration and maintenance procedures according to Table 2. Maintenance periods, instrument adjustments, or checks to maintain precision and accuracy and zero and span adjustments may not exceed 5 percent of the time the flare is receiving regulated material.

TABLE 1—INDIVIDUAL COMPONENT PROPERTIES

Component	Molecular formula	MW_i (pounds per pound-mole)	NHV_i (British thermal units per standard cubic foot)	LFL_i (volume %)
Acetylene	C_2H_2	26.04	1,404	2.5
Benzene	C_6H_6	78.11	3,591	1.3
1,2-Butadiene	C_4H_6	54.09	2,794	2.0
1,3-Butadiene	C_4H_6	54.09	2,690	2.0
iso-Butane	C_4H_{10}	58.12	2,957	1.8
n-Butane	C_4H_{10}	58.12	2,968	1.8
cis-Butene	C_4H_8	56.11	2,830	1.6

TABLE 1—INDIVIDUAL COMPONENT PROPERTIES—Continued

Component	Molecular formula	MW_i (pounds per pound-mole)	NHV_i (British thermal units per standard cubic foot)	LFL_i (volume %)
iso-Butene	C_4H_8	56.11	2,928	1.8
trans-Butene	C_4H_8	56.11	2,826	1.7
Carbon Dioxide	CO_2	44.01	0	∞
Carbon Monoxide	CO	28.01	316	12.5
Cyclopropane	C_3H_6	42.08	2,185	2.4
Ethane	C_2H_6	30.07	1,595	3.0
Ethylene	C_2H_4	28.05	1,477	2.7
Hydrogen	H_2	2.02	274	4.0
Hydrogen Sulfide	H_2S	34.08	587	4.0
Methane	CH_4	16.04	896	5.0
Methyl-Acetylene	C_3H_4	40.06	2,088	1.7
Nitrogen	N_2	28.01	0	∞
Oxygen	O_2	32.00	0	∞
Pentane+ (C5+)	C_5H_{12}	72.15	3,655	1.4
Propadiene	C_3H_4	40.06	2,066	2.16
Propane	C_3H_8	44.10	2,281	2.1
Propylene	C_3H_6	42.08	2,150	2.4
Water	H_2O	18.02	0	∞

TABLE 2—ACCURACY AND CALIBRATION REQUIREMENTS

Parameter	Accuracy requirements	Calibration requirements
Flare Vent Gas Flow Rate	±20 percent of flow rate at velocities ranging from 0.1 to 1 foot per second. ±5 percent of flow rate at velocities greater than 1 foot per second.	Performance evaluation biennially (every 2 years) and following any period of more than 24 hours throughout which the flow rate exceeded the maximum rated flow rate of the sensor, or the data recorder was off scale. Checks of all mechanical connections for leakage monthly. Visual inspections and checks of system operation every 3 months, unless the system has a redundant flow sensor. Select a representative measurement location where swirling flow or abnormal velocity distributions due to upstream and downstream disturbances at the point of measurement are minimized.
Pressure	±5 percent over the normal range measured or 0.12 kilopascals (0.5 inches of water column), whichever is greater.	Review pressure sensor readings at least once a week for straight-line (unchanging) pressure and perform corrective action to ensure proper pressure sensor operation if blockage is indicated. Performance evaluation annually and following any period of more than 24 hours throughout which the pressure exceeded the maximum rated pressure of the sensor, or the data recorder was off scale. Checks of all mechanical connections for leakage monthly. Visual inspection of all components for integrity, oxidation and galvanic corrosion every 3 months, unless the system has a redundant pressure sensor. Select a representative measurement location that minimizes or eliminates pulsating pressure, vibration, and internal and external corrosion.
Net Heating Value by Calorimeter.	±2 percent of span	Calibration requirements should follow manufacturer's recommendations at a minimum. Temperature control (heated and/or cooled as necessary) the sampling system to ensure proper year-round operation. Where feasible, select a sampling location at least 2 equivalent diameters downstream from and 0.5 equivalent diameters upstream from the nearest disturbance. Select the sampling location at least 2 equivalent duct diameters from the nearest control device, point of pollutant generation, air in-leakages, or other point at which a change in the pollutant concentration or emission rate occurs.

TABLE 2—ACCURACY AND CALIBRATION REQUIREMENTS—Continued

Parameter	Accuracy requirements	Calibration requirements
Net Heating Value by Gas Chromatograph.	As specified in PS 9 of 40 CFR part 60, appendix B	Follow the procedure in PS 9 of 40 CFR part 60, appendix B, except that a single daily mid-level calibration check can be used (rather than triplicate analysis), the multi-point calibration can be conducted quarterly (rather than monthly), and the sampling line temperature must be maintained at a minimum temperature of 60 °C (rather than 120 °C).

(2) The MPGF system shall be operated with a flame present at all times when in use. Each stage of MPGF burners must have at least two pilots with a continuously lit pilot flame. The pilot flame(s) must be continuously monitored by a thermocouple or any other equivalent device used to detect the presence of a flame. The time, date, and duration of any complete loss of pilot flame on any stage of MPGF burners must be recorded. Each monitoring device must be maintained or replaced at a frequency in accordance with the manufacturer's specifications.

(3) The MPGF system shall be operated with no visible emissions except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. A video camera that is capable of continuously recording (*i.e.,* at least one frame every 15 seconds with time and date stamps) images of the flare flame and a reasonable distance above the flare flame at an angle suitable for visible emissions observations must be used to demonstrate compliance with this requirement. The owner or operator must provide real-time video surveillance camera output to the control room or other continuously manned location where the video camera images may be viewed at any time.

(4) The operator of an MPGF system shall install and operate pressure monitor(s) on the main flare header, as well as a valve position indicator monitoring system for each staging valve to ensure that the MPGF operates within the range of tested conditions or within the range of the manufacturer's specifications. The pressure monitor shall meet the requirements in Table 2. Maintenance periods, instrument adjustments or checks to maintain precision and accuracy, and zero and span adjustments may not exceed 5 percent of the time the flare is receiving regulated material.

(5) Recordkeeping Requirements.

(a) All data must be recorded and maintained for a minimum of 3 years or for as long as applicable rule subpart(s) specify flare records should be kept, whichever is more stringent.

(6) Reporting Requirements.

(a) The information specified in Section III (6)(b) and (c) below should be reported in the timeline specified by the applicable rule subpart(s) for which the MPGF will control emissions.

(b) Owners or operators should include the following information in their initial Notification of Compliance status report:

(i) Specify flare design as a pressure-assisted MPGF.

(ii) All visible emission readings, NHV_{cz} and/or LFL_{cz} determinations, and flow rate measurements. For MPGF, exit velocity determinations do not need to be reported as the maximum permitted velocity requirements in the General Provisions at 40 CFR 60.18 and 40 CFR 63.11 are not applicable.

(iii) All periods during the compliance determination when a complete loss of pilot flame on any stage of MPGF burners occurs.

(iv) All periods during the compliance determination when the pressure monitor(s) on the main flare header show the MPGF burners operating outside the range of tested conditions or outside the range of the manufacturer's specifications.

(v) All periods during the compliance determination when the staging valve position indicator monitoring system indicates a stage of the MPGF should not be in operation and is or when a stage of the MPGF should be in operation and is not.

(c) The owner or operator shall notify the Administrator of periods of excess emissions in their Periodic Reports. These periods of excess emissions shall include:

(i) Records of each 15-minute block during which there was at least 1 minute when regulated material was routed to the MPGF and a complete loss of pilot flame on a stage of burners occurred.

(ii) Records of visible emissions events that are time and date stamped and exceed more than 5 minutes in any 2-hour consecutive period.

(iii) Records of each 15-minute block period for which an applicable combustion zone operating limit (*i.e.,* NHV_{cz} or LFL_{cz}) is not met for the MPGF when regulated material is being combusted in the flare. Indicate the date and time for each period, the NHV_{cz} and/or LFL_{cz} operating parameter for the period and the type of monitoring system used to determine compliance with the operating parameters (*e.g.,* gas chromatograph or calorimeter).

(iv) Records of when the pressure monitor(s) on the main flare header show the MPGF burners are operating outside the range of tested conditions or outside the range of the manufacturer's specifications. Indicate the date and time for each period, the pressure measurement, the stage(s) and number of MPGF burners affected and the range of tested conditions or manufacturer's specifications.

(v) Records of when the staging valve position indicator monitoring system indicates a stage of the MPGF should not be in operation and is or when a stage of the MPGF should be in operation and is not. Indicate the date and time for each period, whether the stage was supposed to be open, but was closed or vice versa, and the stage(s) and number of MPGF burners affected.

IV. Final Framework for Streamlining Approval of Future Pressure-Assisted MPGF AMEL Requests

We are finalizing a framework that sources may use to submit an AMEL request to the EPA in order to use an MPGF as control devices to comply with new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAP) under 40 CFR parts 60, 61, and 63. At a minimum, sources considering use of an MPGF as an emissions control technology should provide the EPA with the following information in its AMEL request when demonstrating MPGF equivalency:

(1) Project Scope and Background.

(a) Size and scope of plant, products produced, location of facility, and the MPGF proximity, if less than 2 miles, to the local community and schools.

(b) Details of overall emissions control scheme (*e.g.,* low pressure control scenario and high pressure control scenario), MPGF capacity and operation (including number of rows (stages), number of burners and pilots per stage and staging curve), and how the MPGF will be used (*e.g.,* controls routine flows, only controls flows during periods of startup, shutdown, maintenance, emergencies).

(c) Details of typical and/or anticipated waste gas compositions and profiles to be routed to the MPGF for control.

(d) MPGF burner design including type, geometry, and size.

(e) Anticipated date of startup.

(2) Regulatory Applicability.

(a) Detailed list or table of applicable NESHAP and/or NSPS, applicable standards that allow use of flares, and authority that allows the owner or operator to request an AMEL.

(3) Destruction Efficiency/Combustion Efficiency Performance Demonstration.

(a) Sources must provide a performance demonstration to the Agency that the MPGF pressure-assisted burner being proposed for use will achieve a level of control at least equivalent to the most stringent level of control required by the underlying standards (*e.g.,* 98-percent destruction efficiency or better). Facilities can elect to do a performance test that includes a minimum of three test runs under the most challenging conditions (*e.g.,* highest operating pressure and/or sonic velocity conditions) using passive Fourier transform infrared spectroscopy (PFTIR) testing, extractive sampling or rely on an engineering assessment. Sources must test using fuel representative of the type of waste gas the MPGF will typically burn or substitute a waste gas such as an olefin gas or olefinic gas mixture that will challenge the MPGF to achieve a high destruction efficiency smokelessly.

(i) If a performance test is conducted on the burners, a test report must be submitted to the Agency which includes at a minimum: A description of the testing, a protocol describing the test methodology used, associated test method quality assurance/quality control (QA/QC) parameters, raw field and laboratory data sheets, summary data report sheets, calibration standards, calibration curves, completed visible emissions observation forms, a calculation of the average destruction efficiency and combustion efficiency over the course of each test, the date, time and duration of the test, the waste gas composition and NHV_{cz} and/or LFL_{cz} the gas tested, the flowrate (at standard conditions) and velocity of the waste gas, the MPGF burner tip pressure, waste gas temperature, meteorological conditions (*e.g.,* ambient temperature, barometric pressure, wind speed and direction and relative humidity), and whether there were any observed flare flameouts.

(ii) If an engineering assessment is done, sources must provide to the Agency a demonstration that a proper level of destruction/combustion efficiency was obtained through prior performance testing for a similar equivalent burner type design. To support an equivalent burner assessment of destruction/combustion efficiency, sources must discuss and provide information related to design principles of burner type, burner size, burner geometry, air-fuel mixing, and the combustion principles associated with this burner that will assure smokeless operation under a variety of operating conditions. Similarly, sources must also provide details outlining why all of these factors, in concert with the waste gas that was tested in the supporting reference materials, support the conclusion that the MPGF burners being proposed for use by the source will achieve at least an equivalent level of destruction efficiency as required by the underlying applicable regulations.

(4) MPGF Stability Testing.

(a) The operation of an MPGF with a stable, lit flame is of paramount importance to continuously ensuring good flare performance; therefore, any source wishing to demonstrate equivalency for purposes of using these types of installations must conduct a stability performance test. Since flare tip design and waste gas composition have significant impact on the range of stable operation, sources should use a representative waste gas the MPGF will typically burn or a waste gas, such as an olefin or olefinic mixture, that will challenge the MPGF to perform at a high level with a stable flame as well as challenge its ability to achieve smokeless operation.

(b) Sources should first design and carry out a performance test to determine the point of flare flame instability and flameout for the MPGF burner and waste gas composition chosen to be tested. Successful, initial demonstration of stability is achieved when there is a stable, lit flame for a minimum of 5 minutes at consistent flow and waste gas composition. It is recommended, although not required, that sources determine the point of instability at sonic flow conditions or at the highest operating pressure anticipated. Any data which demonstrate instability and complete loss of flame prior to the 5-minute period must be reported along with the initial stable flame demonstration. Along with destruction efficiency and combustion efficiency, the data elements laid out in Section IV(3)(a)(i) above should also be reported.

(c) Using the results from Section IV(4)(b) above as a starting point, sources must perform a minimum of three replicate tests at both the minimum and maximum operating conditions on at least one MPGF burner at or above the NHV_{cz} or at or below the LFL_{cz} determined in Section IV(4)(b). If more than one burner is tested, the spacing between the burners must be representative of the projected installation. Each test must be a minimum of 5 minutes in duration with constant flow and composition for the three runs at minimum conditions, and the three runs at the maximum conditions. The data and data elements mentioned in Section IV(4)(b) must also be reported.

(5) MPGF Cross-light Testing.

(a) Sources must design and carry out a performance test to successfully demonstrate that cross lighting of the MPGF burners will occur over the range of operating conditions (*e.g.,* operating pressure and/or velocity (Mach) condition) for which the burners will be used. Sources may use the NHV_{cz} and/or LFL_{cz} established in Section IV(4) above and perform a minimum of three replicate runs at each of the operating conditions. Sources must cross-light a minimum of three burners and the spacing between the burners and location of the pilot flame must be representative of the projected installation. At a minimum, sources must report the following: A description of the testing, a protocol describing the test methodology used, associated test method QA/QC parameters, the waste gas composition and NHV_{cz} and/or LFL_{cz} of the gas tested, the velocity (or Mach speed ratio) of the waste gas tested, the MPGF burner tip pressure, the time, length, and duration of the test, records of whether a successful cross-light was observed over all of the burners and the length of time it took for the burners to cross-light, records of maintaining a stable flame after a successful cross-light and the duration for which this was observed, records of any smoking events during the cross-light, waste gas temperature, meteorological conditions (*e.g.,* ambient temperature, barometric pressure, wind speed and direction, and relative humidity), and whether there were any observed flare flameouts.

(6) Flaring Reduction Considerations.

(a) Sources must make a demonstration, considering MPGF use, on whether additional flare reduction measures, including flare gas recovery, should be used and implemented.

(7) MPGF Monitoring and Operating Conditions.

(a) Based on the results of the criteria mentioned above in this section, sources must make recommendations to the Agency on the type of monitoring and operating conditions necessary for the MPGF to demonstrate equivalent reductions in emissions as compared to flares complying with the requirements at 40 CFR 60.18 and 40 CFR 63.11, taking into consideration a control scheme designed to handle highly variable flows and waste gas compositions.

We anticipate this framework will enable the Agency to review and approve future AMEL requests for MPGF installations in a more expeditious timeframe. We note, however, that future AMEL requests are still subject to public notice and comment.

Dated: April 11, 2016.

Janet G. McCabe,

Acting Assistant Administrator.

[FR Doc. 2016–08911 Filed 4–20–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9945–38–OEI]

Privacy Act of 1974; System of Records

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of new Privacy Act system of records.

SUMMARY: The U.S. Environmental Protection Agency's (EPA's) Office of Land and Emergency Management is giving notice that it proposes to create a new system of records pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a). This system of records contains information of individuals which is collected in the course of response and environmental assessment actions, including actions taken under a variety of EPA authorities. The information maintained under this SORN is needed to support EPA's decision making process on what actions may be necessary to address potential environmental impacts at residential properties, including necessary remediation activities. This information is collected to ensure an appropriate and cohesive response to situations requiring EPA response activities and to protect the health and welfare of residents potentially affected by an environmental or public health emergency, and maintained so to be accessible as needed for coordination of environmental response activities. This information may include individuals' contact information, information related to their address or place of residence, correspondence, and related information collected in the course of sampling and cleanup work.

DATES: Persons wishing to comment on this system of records notice must do so by May 31, 2016. If no comments are received, the system of records notice will become effective by May 31, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–2016–0100, by one of the following methods:

www.regulations.gov: Follow the online instructions for submitting comments.

Email: oei.docket@epa.gov.

Fax: 202–566–1752.

Mail: OEI Docket, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

Hand Delivery: OEI Docket, EPA/DC, EPA West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OEI–2016–0100. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information for which disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov.* The *www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information for which disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the OEI Docket, EPA/DC, EPA West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: Terrence Ferguson, Office of Land and Emergency Management (OLEM), Office of Superfund Remediation and Technology Information (OSRTI), Mail Code 5202T, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number (202) 566–0370.

SUPPLEMENTARY INFORMATION: The U.S. Environmental Protection Agency (EPA) is creating a Privacy Act system of records to allow the agency to maintain records that are necessary to conduct environmental assessments at residential properties in order to respond to emergency situations and during environmental assessment activities conducted by EPA under many different programs including Superfund, the Resource Conservation and Recovery Act (RCRA), and the Safe Drinking Water Act (SDWA). This system of records promotes transparency, efficiency, and improved environmental and health outcomes by encompassing all records associated with EPA residential assessment work, including the database repositories, field documentation, and analytical reports. Over the course of these assessments EPA is often required to support or work closely with state and local agencies or federal agencies in responses to evaluate the health and welfare of affected communities. EPA's environmental assessment activities at residential properties include:

Obtaining and tracking legal access to the properties; gathering environmental data through sampling activities, such as sampling air, water, soil, or other environmental media at sites; collecting information about pipelines, building materials, and other residential infrastructure at residences; and collecting residential contact information such as name, address, and phone number to allow response teams to correspond with individuals affected by environmental contamination.

The types of data collected in environmental assessments include names of residents; address information; phone number or other contact information; test results from environmental sampling; information about the building structure, such as the age of the structure, information about the service lines, plumbing and pipe information, and building materials in the structure; information about the length of residence or ownership of the structure; and geographic information system (GIS) coordinates. This information is collected to ensure an appropriate and cohesive response to emergency situations, to protect the health and welfare of residents potentially affected by an environmental emergency or environmental response situation, and to ensure that the data are accessible as needed for coordination of response activities.

Information and data collected in environmental assessments will generally be stored in an agency-approved electronic database, which will be managed by EPA system administrators. Other associated records may also be stored in other electronic or paper formats, such as Microsoft Excel spreadsheets, Microsoft Word documents or tables, or in file folders. All electronic files are stored on government furnished equipment (GFE) until they are ultimately sent to the appropriate agency records repository for storage pursuant to their appropriate record schedule. All GFE used for the purposes of residential assessments are secured according to EPA's security policies which include password protection and local encryption. During the course of the assessment records may also be temporarily stored off site in secure facilities such as incident command posts or EPA field offices which are maintained and secured by EPA staff.

The system will be maintained by the EPA's Office of Emergency Response in the Office of Land and Emergency Management ("OLEM"), 1200 Pennsylvania Ave. NW., Mail Code 5101 T, Washington, DC 20460.

Information maintained pursuant to this SORN may be located at EPA Headquarters Offices or at EPA Regional Offices or at field offices established as part of the residential assessment field work, depending upon the location where the assessment is conducted or where computer resources are located. Databases may be hosted at the EPA's National Computer Center at Research Triangle Park, North Carolina or at cloud hosting procured and managed by EPA.

Records protected under the Privacy Act are subject to agency-wide security requirements. For information in agency databases, privacy is maintained by limiting access to the database that contains the personal information. Access to the database is limited to individuals designated as System Administrators, Remedial Project Managers, Data Sponsors, On-Scene Coordinators, Information Management Coordinators, Budget Coordinators, Regional or Headquarters Attorneys, Regional or Headquarters Managers, Data Entry Support Staff, Support Contractors, and any other EPA staff with assigned responsibilities that require access to the data. In appropriate circumstances, limited access to the database systems may be provided to state and local public health authorities in conformity with federal, state, and local laws when necessary to protect the public health or safety.

Date: April 14, 2016.

Ann Dunkin,

Chief Information Officer.

EPA–74

SYSTEM NAME AND NUMBER:

EPA–74, Environmental Assessments of Residential Properties (EARP).

SYSTEM LOCATION:

The system will be maintained by the EPA's Office of Emergency Response in the Office of Land and Emergency Management (OLEM), 1200 Pennsylvania Ave. NW., Mail Code 5101 T, Washington, DC 20460. Information maintained pursuant to this notice may be located at EPA Headquarters Offices or at EPA Regional Offices, or at field offices established as part of the residential assessment field work, depending upon the location where the environmental assessment is conducted or where computer resources are located. Databases may be hosted at the EPA's National Computer Center at Research Triangle Park, North Carolina, or in OLEM's emergency response cloud hosting environment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Resource Conservation and Recovery Act, 42 U.S.C.6981; Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9604, 9660; Clean Air Act, 42 U.S.C. 7403; Safe Drinking Water Act, 42 U.S.C. 300i; 300j–1; Federal Water Pollution Control Act, 33 U.S.C. 1254, 1318, 1321; Toxic Substances Control Act, 15 U.S.C. 2609; Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136r.

PURPOSE(S):

The EPA is creating a Privacy Act system of records to allow the agency to maintain records that are necessary to conduct environmental assessments at residential properties in order to respond to emergency situations and during environmental assessment activities conducted by EPA under many different programs including Superfund, RCRA, and the SDWA. This system of records promotes transparency, efficiency, and improved environmental and health outcomes by encompassing all of the records associated with EPA residential assessment work, including the database repositories, field documentation and analytical reports. Over the course of these assessments EPA is often required to support or work closely with state and local agencies or federal agencies to evaluate the health and welfare of affected communities. EPA's environmental assessment activities at residential properties include: Obtaining and tracking legal access to the properties; gathering environmental data through sampling activities, such as sampling air, water, soil, or other environmental media at sites; collecting structural information such as the age of the structure, information about the service lines, plumbing and pipe information, and building materials in the structure, information about the length of residence or ownership of the structure, and GIS coordinates; and collecting residential contact information such as name, address, and phone number to allow response teams to correspond with individuals affected by environmental contamination.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the public such as residents, property owners, property managers, and other individuals who may be associated with a property whose information needs to be collected as part of EPA's environmental assessment and response activities. In addition, EPA staff, contractors, or grantees or any other individuals engaged in response activities may have their information in the system such as name, office address, and contact information to facilitate assessment and response activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

The types of data collected in environmental assessments include names of residents; names of property owners; tenant information; names of property managers address information; phone number or other contact information; test results from environmental sampling; information about residential structures such as the age of the structure, information about the service lines, plumbing and pipe information, and building materials in the structure, information about the length of residence or ownership of the structure, and GIS coordinates.

Other site-specific data elements may also be collected if needed for the environmental assessment or emergency response activity. These data will be maintained in a database where they may be filtered or searched on individual data elements.

RECORD SOURCE CATEGORIES:

Records within this system of records are obtained by EPA employees, contractors, or grantees collecting environmental assessment data and sample information at residential sites, or from state or local governments who have collected environmental assessment information as part of their response authorities. Environmental assessment data is received from interviews with residents, property owners, property managers, and other individuals who may be associated with a property, local public records such as property tax data, from inspections of residential properties, from residential property records or other public records, and from other on-site sources such as EPA or contracted laboratories and EPA or contracted GIS systems.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

General routine uses A, D, E, F, H, K, and L apply to this system. Records may also be disclosed to public health authorities in conformity with federal, state, and local laws when necessary to protect the public health or safety, or to federal, state, or local governmental agencies when it is determined that a response by that agency is more appropriate than a response by the EPA.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

- Storage: Information collected in environmental assessments will generally be stored in an agency-approved electronic database, which will be managed by EPA system administrators. Other associated records may also be stored in other electronic or paper formats, such as Microsoft Excel spreadsheets, Microsoft Word documents or tables, or in file folders. All electronic files are stored on government furnished equipment (GFE) until they are ultimately sent to the appropriate Agency records repository for storage pursuant to their appropriate record schedule. All GFE used for the purposes of residential assessments are secured according to EPA's security policies which include password protection and local encryption. During the course of the assessment records may also be temporarily stored off site in secure facilities such as incident command posts or EPA field offices which are maintained and secured by EPA staff.
- Retrievability: Information may be retrieved by any collected data element, such as a resident's name or address, or information may be retrieved by GIS coordinates or by identifying numbers assigned to a person, sampling location, or residence.
- Safeguards: Electronic records are maintained in a secure, password protected electronic system. Paper files are maintained in locked file cabinets when not in use by EPA emergency response staff. All records are maintained in secure, access-controlled areas or buildings.
- Retention and Disposal: Records maintained in this system are subject to record schedule 1039, which is still being finalized.

SYSTEM MANAGER(S):

Terrence Ferguson, Office of Land and Emergency Management (OLEM), Office of Superfund Remediation and Technology Information (OSRTI), Mail Code 5202P, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number (202) 566–0370.

Because systems under this SORN may be located at Headquarters Offices or at EPA Regional Offices, depending upon the location where the emergency response is conducted, there may be additional specified system managers depending upon the nature and location of the response. These systems may be managed by Regional personnel or temporarily stored off site in secure facilities such as incident command posts or EPA field offices which are maintained and secured by EPA staff.

RECORD ACCESS PROCEDURES:

Request for access must be made in accordance with the procedures described in EPA's Privacy Act regulations at 40 CFR part 16. Requesters will be required to provide adequate identification, such as driver's license, employee identification card, or other identifying document. Additional identification procedures may be required in some instances.

CONTESTING RECORD PROCEDURES:

Requests for correction or amendment must identify the record to be changed and the corrective action sought. Complete EPA Privacy Act procedures are described in EPA's Privacy Act regulations at 40 CFR part 16.

NOTIFICATION PROCEDURE:

Any individual who wants to know whether this system of records contains a record about him or her, who wants access to his or her record, or who wants to contest the contents of a record, should make a written request to the EPA FOIA Office, Attn: Privacy Act Officer, MC 2822T, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

[FR Doc. 2016–09290 Filed 4–20–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9945–39–OARM]

Good Neighbor Environmental Board; Notification of Public Advisory Committee Teleconference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public advisory committee teleconference.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Good Neighbor Environmental Board (Board) will hold a public teleconference on Friday, May 20 from 12:00 p.m.–4:00 p.m. Eastern Daylight Time. For further information regarding the teleconference and background materials, please contact Ann-Marie Gantner at the number and email provided below.

Background: The Good Neighbor Environmental Board is a federal advisory committee chartered under the Federal Advisory Committee Act, Public Law 92–463. By statute, the Board is required to submit an annual report to the President on environmental and infrastructure issues along the U.S. border with Mexico.

Purpose of Meeting: The purpose of this teleconference is to continue discussion on the Good Neighbor Environmental Board's Seventeenth Report to the President, which will focus on climate change resilience in the U.S.-Mexico border region.

General Information: The agenda and teleconference materials, as well as general information about the Board, can be found at *http://www2.epa.gov/faca/gneb.* If you wish to make oral comments or submit written comments to the Board, please contact Ann-Marie Gantner at least five days prior to the teleconference.

Meeting Access: For information on access or services for individuals with disabilities, please contact Ann-Marie Gantner at (202) 564–4330 or email at *gantner.ann-marie@epa.gov.* To request accommodation of a disability, please contact Ann-Marie Gantner at least 10 days prior to the meeting to give the Environmental Protection Agency (EPA) as much time as possible to process your request.

Dated: April 5, 2016.

Ann-Marie Gantner,

Acting Designated Federal Officer.

[FR Doc. 2016–09291 Filed 4–20–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0774; FRL–9944–31]

2-(Decylthio) Ethanamine Hydrochloride, Aliphatic Alcohols C1–C5, Bentazon, Propoxur, Propoxycarbazone-sodium, Sodium Acifluorfen, Thidiazuron; Registration Review Proposed Interim Decisions; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's proposed interim registration review and opens a public comment period on the proposed interim decisions. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, that the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

DATES: Comments must be received on or before June 20, 2016.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number for the specific pesticide of interest provided in the Table in Unit II., by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For pesticide specific information, contact:* The Chemical Review Manager for the pesticide of interest identified in the Table in Unit II.

For general information on the registration review program, contact: Richard Dumas, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8015; email address: *dumas.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager for the pesticide of interest identified in the Table in Unit II.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. What action is the agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's proposed interim registration review decisions for the pesticides shown in the Table in this unit and opens a 60-day public comment period on the proposed interim decisions.

TABLE—REGISTRATION REVIEW PROPOSED INTERIM DECISIONS

Registration review case name and No.	Pesticide Docket ID No.	Chemical review manager, telephone number, email address
2-(Decylthio)ethanamine hydrochloride (DTEA-HCl) (Case 5029).	EPA–HQ–OPP–2009–0336	Sanyvette Williams, *williams.sanyvette@epa.gov,* (703) 305–7702.
Aliphatic Alcohols, C1–C5 (Case 4003)	EPA–HQ–OPP–2012–0340	Sanyvette Williams, *williams.sanyvette@epa.gov,* (703) 305–7702.
Bentazon (Case 0182)	EPA–HQ–OPP–2010–0117	Moana Appleyard, *appleyard.moana@epa.gov,* (703) 308–8175.

TABLE—REGISTRATION REVIEW PROPOSED INTERIM DECISIONS—Continued

Registration review case name and No.	Pesticide Docket ID No.	Chemical review manager, telephone number, email address
Propoxur (Case 2555)	EPA–HQ–OPP–2009–0806	Brittany Pruitt, *pruitt.brittany@epa.gov*, (703) 347–0289.
Propoxycarbazone-sodium (Case 7264)	EPA–HQ–OPP–2015–0095	Marianne Mannix, *mannix.marianne@epa.gov*, (703) 347–0275.
Sodium Acifluorfen (Case 2605)	EPA–HQ–OPP–2010–0135	Nathan Sell, *sell.nathan@epa.gov*, (703) 347–8020.
Thidiazuron (Case 4092)	EPA–HQ–OPP–2015–0381	Khue Nguyen, *nguyen.khue@epa.gov*, (703) 347–0248.

DTEA HCl is a biocide registered for use in cooling water systems to control bacterial, fungal, and algal slimes. An ecological risk assessment identified potential ecological risks to aquatic organisms. To address these potential risks, EPA is proposing label language changes to reduce discharge into bodies of water, limit use frequency and location, and reduce certain use rates. A final decision will be made after Endangered Species Act (ESA) and Endocrine Disruptor Screening Program (EDSP) determinations have been made.

The aliphatic alcohols, C1–C5 case contains two active ingredients, ethanol and isopropyl alcohol, which are registered for use as sanitizers, disinfectants and bactericides on agricultural premises and equipment, medical premises and equipment, industrial areas, residential and public access areas, in antifouling paints for boats, and as a plant growth regulator. The Agency has concluded that there are no human or ecological risk concerns associated with the pesticidal uses of aliphatic alcohols, C1–C5 based on use patterns and chemical characteristics. Additionally, no additional data are required in support of this registration review case, and a "no effect" determination has been made for endangered species and designated critical habitat for such species. A final decision will be made after the EDSP determination has been made.

Bentazon is a selective, contact, early post-emergence herbicide registered to control broadleaf weeds and sedges in numerous agricultural field crops, including corn, soybeans, beans, rice, cereals, and potatoes, and for use in and around trees and vines of various fruit and nut crops. Bentazon is also registered for use to control weeds in residential and recreational lawns and around ornamental plants. EPA published draft registration review human health and ecological risk assessments in 2014. The Agency has concluded that bentazon does not pose human health risks of concern. The ecological risk assessment concluded that there are risks of concern for terrestrial and semi-aquatic plants and acute risks for some birds and mammals. The Agency is proposing that bentazon labels include drift and herbicide resistance management language and increased spray droplet sizes, and allow one application annually except under specific circumstances to reduce risks to non-target plants and wildlife. This proposed interim decision does not include a finding under the EDSP, nor does it contain a complete ESA or pollinator component for bentazon.

The registration review docket for propoxur opened in December 2009. Propoxur is an N-methyl residual carbamate insecticide registered for use to control ticks, fleas, and a variety of insects in-and-around industrial, commercial, and residential facilities. EPA published draft registration review human health and ecological risk assessments in July 2015. For the human health assessment, the Agency concluded that propoxur posed risks of concern from dietary and residential post application exposure. A voluntary final cancellation order was issued for the following uses, which fully mitigated the human health risks of concerns: All indoor aerosol, spray, and liquid formulations; use in food handling establishments; and indoor crack and crevice uses were cancelled effective September 22, 2015. The draft ecological risk assessment initially concluded that there were no risks of concern to non-listed species nor to listed species, except for listed aquatic invertebrates from outdoor spot treatment use made near aquatic water bodies. However, additional information on the use of propoxur outdoor spot treatments support that this use is not likely to result in quantities of active ingredient that would result in potential effects to listed aquatic species. Therefore, the draft propoxur ecological risk assessment has been amended to reflect this use information and is posted to the propoxur docket at this time. The amended ecological risk assessment indicates that there is no reasonable expectation for any registered use of propoxur to cause direct or indirect adverse effects to threatened and endangered species. A "no effect" determination was made for all federally listed species and designated critical habitat. Propoxur has not been evaluated under the EDSP. Therefore, the Agency's final registration review decision is dependent upon the result of the evaluation of potential endocrine disruptor risk. In addition, a pollinator risk assessment will not be required for propoxur due to negligible exposure pathways to terrestrial invertebrates (honeybees). Pending the EDSP determination action, EPA is planning to issue an interim registration review decision for propoxur.

Propoxycarbazone-sodium is an herbicide that controls post-emergent grasses and broadleaf weeds including cheat grass, downy brome, jointed goatgrass, pigweed, wild oat, and mustard in wheat and triticale. EPA conducted a comprehensive human health risk assessment which indicated that there are no risks of concern for human health. The ecological risk assessment indicated that there are potential risks of concern for non-target terrestrial plant species from all uses of propoxycarbazone sodium, which is consistent with the herbicidal mode of action. To reduce risk to non-target terrestrial plants, the Agency is proposing several spray drift reduction measures. The Agency is also proposing herbicide resistance management language to be included on all propoxycarbazone-sodium labels. This proposed interim decision does not include an endangered species determination, or any human health or environmental safety findings associated with the EDSP. The Agency's final registration review decision is dependent upon the assessment of risks to threatened and endangered species, potential endocrine disruptor risk, and an assessment of risks to bees.

Sodium acifluorfen is an herbicide that is registered for control of broadleaf weeds in soybean, peanuts, rice, and strawberry. EPA conducted a comprehensive human health risk assessment, which indicated that there are no risks of concern for human health. The ecological risk assessment indicated that there are potential risks of concern for non-target terrestrial plant species from the aerial use of sodium acifluorfen. To reduce risk to non-target terrestrial plants from aerial spray drift, the Agency is proposing the deletion of aerial use on strawberries and the implementation of uniform spray drift management language across all labels. The Agency is also proposing the inclusion of herbicide resistance management language on all sodium acifluorfen labels. This proposed interim decision does not include an endangered species determination, or any human health or environmental safety findings associated with the EDSP. The Agency's final registration review decision is dependent upon a finding under ESA, an EDSP determination, and an assessment of risks to bees.

Thidiazuron is a plant growth regulator applied as a pre-harvest defoliant to cotton in southern states such as Mississippi, Texas, and Georgia. Thidiazuron reduces foliage, dry leaves, and immature fruiting structures, at the time of harvest, which contribute to the staining of harvested cotton. Quantitative human health and ecological risk assessments, including a screening-level endangered species risk assessment, were conducted for thidiazuron. EPA did not identify any human health risks. EPA identified possible risk to non-target terrestrial plants from use of thidiazuron. In its proposed interim decision, EPA is proposing risk mitigation to reduce spray drift to non-target terrestrial plants. EPA is making no human health or environmental safety findings associated with the EDSP screening of thidiazuron, nor is it making an endangered species finding. EPA's registration review decision for thidiazuron will depend upon the result of an EDSP Federal Food, Drug, and Cosmetic Act section 408(p) determination, complete pollinator determination, and an endangered species determination.

The registration review docket for a pesticide generally includes earlier documents related to the registration review of the case. For example, the review opened with a Summary Document, containing a Preliminary Work Plan, for public comment. A Final Work Plan was placed in the docket following public comment on the initial docket. The documents in the docket describe EPA's rationales for conducting additional risk assessments for the registration review of the pesticides included in the Table in this unit, as well as the Agency's subsequent risk findings and consideration of possible risk mitigation measures. These proposed interim registration decisions are supported by the rationales included in those documents. Following public comment, the Agency will issue interim registration review decisions for products containing the pesticides listed in the Table in this unit.

The registration review program is being conducted under congressionally mandated time frames, and EPA recognizes the need both to make timely decisions and to involve the public. Section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136a(g)) required EPA to establish by regulation procedures for reviewing pesticide registrations, originally with a goal of reviewing each pesticide's registration every 15 years to ensure that a pesticide continues to meet the FIFRA standard for registration. The Agency's final rule to implement this program was issued in August 2006 and became effective in October 2006, and appears at 40 CFR part 155, subpart C. The Pesticide Registration Improvement Act of 2003 (PRIA) was amended and extended in September 2007. FIFRA, as amended by PRIA in 2007, requires EPA to complete registration review decisions by October 1, 2022, for all pesticides registered as of October 1, 2007.

The registration review final rule at 40 CFR 155.58(a) provides for a minimum 60-day public comment period on all proposed interim registration review decisions. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the proposed interim decision. All comments should be submitted using the methods in **ADDRESSES**, and must be received by EPA on or before the closing date. These comments will become part of the docket for the pesticides included in the Table in this unit. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and will provide a "Response to Comments Memorandum" in the docket. The interim registration review decision will explain the effect that any comments had on the interim decision and provide the Agency's response to significant comments.

Background on the registration review program is provided at: *http://www2.epa.gov/pesticide-reevaluation.* Links to earlier documents related to the registration review of these pesticides are provided at: *http://www.epa.gov/oppsrrd1/registration_review/reg_review_status.htm.*

Authority: 7 U.S.C. 136 *et seq.*

Dated: April 13, 2016.

Yu-Ting Guilaran,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2016–09289 Filed 4–20–16; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: Tuesday, April 26, 2016 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance matters pursuant to 52 U.S.C. 30109.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shelley E. Garr,

Deputy Secretary.

[FR Doc. 2016–09446 Filed 4–19–16; 4:15 pm]

BILLING CODE 6715–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–ME–2016–01; Docket No: 2016–0002; Sequence No. 10]

Notice of Fee Amounts To Be Set by the General Services Administration's Request for the Registration and Annual Renewal of .gov Second-Level Domains

AGENCY: Office of Government-wide Policy (OGP); Office of Information, Integrity, and Access; General Services Administration (GSA).

ACTION: Notice.

SUMMARY: GSA is proposing to increase the yearly fee assessed to entities that utilize the federal .gov top-level domain. The current fee of $125 per annum has not been raised since the publication of the Federal Management Regulation final rule, Internet GOV Domain on

March 28, 2003. The fee increase will compensate GSA for the increased operational costs of maintaining the .gov top-level domain (TLD). The fee will be the same for new registrations and for annual renewals. This document establishes the fee for all entities that use the .gov TLD at $400 per annum, effective January 1, 2017.

DATES: *Effective:* May 23, 2016.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Lee Ellis, Office of Government-wide Policy, at 202–501–0282, or via email to *lee.ellis@gsa.gov* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite Notice ME–2016–01.

SUPPLEMENTARY INFORMATION:

Background

The .gov domain was first established in 1985 under the Internet Engineering Task Force of the Internet Society, RFC 920, 1480, 1591, 1811, and 2146 as a generic top-level domain (TLD) for government entities in the United States. In 2003, GSA published the Federal Management Regulation final rule, Internet GOV Domain (41 CFR part 102–173), at 68 FR 15089 (March 28, 2003), which codified existing guidance and best practice methods for domain management, then stratified across governmental and non-governmental bodies, and expanded the .gov domain to permit inclusion of state, local, and tribal governments (SLTTs).

GSA is designated as the TLD owner and Domain Policy Authority for governmental entities in the United States, including Federal, state, local and tribal governments. OGP oversees the enabling rule (41 CFR part 102–173, Internet GOV Domain—hereafter "Final Rule") and administers the .gov domain registration and renewal process in accordance with the original rule and the .gov Domain Registration and Management Guidance. The rule and the guidance govern registrations and renewals for second-level domains under the top level .gov domain.

When GSA published the Final Rule in 2003, it initiated the assessment of fees for the registration and annual renewal .gov domains by Federal Government agencies, the Legislative Branch, the Judicial Branch, and SLTTs. At the time, GSA stated in the **Federal Register** that the Final Rule "merely establishes a ceiling for the charges that GSA may assess in the future if circumstances require it. These charges, if established, will be based on the costs of operations and market rates."

Since publication of the Final Rule, all bodies seeking to register and use a .gov domain are assessed a $125 per annum fee for registration and for annual renewals. The fee has remained unchanged since 2003, even as new laws, enhanced security protocols, protections and controls, and increased operational costs have substantially raised the overall cost for GSA to manage the .gov domain.

OGP solicited advice and feedback from stakeholders representing all levels of government, internationally, as well as the private sector to better inform decision-making about whether a per annum fee increase should occur. The research details also yielded insight as to the amount the increase would be considered reasonable.

41 CFR 102–173.45 sets the fee for new .gov domain registrations at no more than $1,000 per year, and the charge for annual .gov domain renewals at no more than $500 per year. The current fee of $125 per annum has been in effect since publication of the Final Rule. To compensate for increased operational costs and security requirements of maintaining the .gov domain, GSA will raise the fee for both new registrations and annual renewals to $400 per annum. This fee will be the same for all entities who apply to initially register, or renew, an existing registration of a .gov second-level domain name and are approved, per 41 CFR 102–173.

Dated: April 14, 2016.

Troy Cribb,

Associate Administrator, Office of Government-wide Policy, General Services Administration.

[FR Doc. 2016–09294 Filed 4–20–16; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Funding Opportunity Announcement (FOA) PS16–002, Cohort Study to Assess Population Impact of Current and Evolving Chronic Viral Hepatitis Treatment.

Time and Date: 10:00 a.m.–12:00 p.m., EDT, May 12, 2016 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to FOA PS16–002, Cohort Study to Assess Population Impact of Current and Evolving Chronic Viral Hepatitis Treatment", FOA PS16–002.

Contact Person for More Information: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road NE., Mailstop E60, Atlanta, Georgia 30333, Telephone: (404) 718–8833.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker, MPH, DLP,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2016–09271 Filed 4–20–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Funding Opportunity Announcement (FOA) RFA 16–010, Occupational Safety and Health Research, NIOSH National Mesothelioma Virtual Bank for Translational Research Review.

Time and Date: 1:00 p.m.–5:00 p.m., EDT, May 19, 2016 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to "NIOSH National Mesothelioma Virtual Bank Translational Research Review", RFA 16–010.

Contact Person for More Information: Michael Goldcamp, Ph.D., Scientific Review Officer, NIOSH, CDC, 1095 Willowdale Road, Mailstop G905, Morgantown, West Virginia 26506, Telephone: (304) 285–5951.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker, MPH, DLP,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2016–09272 Filed 4–20–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. ATSDR–2016–0002]

Proposed Data Collection Submitted for Public Comment and Recommendations: Collections Related to Synthetic Turf Fields With Crumb Rubber Infill; Extension of Public Comment Period

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Extension of public comment period.

SUMMARY: On February 18, 2016, the Agency for Toxic Substances and Disease Registry (ATSDR), located within the Department of Health and Human Services (HHS) published a notice in the **Federal Register** [Volume 81, No. 32, page 8201–8202] requesting public comment on the proposed information collection entitled "Collections Related to Synthetic Turf Fields with Crumb Rubber Infill". Written and electronic comments were to be received on or before April 18, 2016. HHS/ATSDR has received requests asking for an extension of the comment period. In consideration of these requests, HHS/ATSDR is extending the comment period to May 2, 2016.

DATES: Written comments must be received on or before May 2, 2016.

ADDRESSES: You may submit comments, identified by Docket No. ATSDR–2016–0002 by any of the following methods:

- *Federal eRulemaking Portal:* Regulation.gov. Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to Regulations.gov, including any personal information provided. For access to the docket to read background documents or comments received, go to Regulations.gov. For this docket, ATSDR is only accepting comments on the proposed studies' data collections referenced in the original notice.

Please note: *All public comment should be submitted through the Federal eRulemaking portal (Regulations.gov) or by U.S. mail to the address listed above.*

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2016–09196 Filed 4–20–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–16–0943]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Data Collection for the Residential Care Community and Adult Day Service Center Components of the National Study of Long-Term Care Providers (OMB Control No. 0920–0943)—Reinstatement with change—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, "shall collect statistics on health resources . . . [and] utilization of health care, including extended care facilities, and other institutions."

NCHS seeks approval to collect data for the residential care community (RCC) and adult day services center (ADSC) survey components of the third wave of the National Study of Long-Term Care Providers (NSLTCP). A two-year clearance is requested.

The NSLTCP is designed to (1) broaden NCHS' ongoing coverage of paid, regulated long-term care (LTC) services; (2) merge with existing administrative data on LTC providers and service users (*i.e.* Centers for Medicare and Medicaid Services (CMS) data on nursing homes and residents, home health agencies and patients, and hospices and patients); (3) update data more frequently on LTC providers and service users for which nationally representative administrative data do not exist; and (4) enable comparisons across LTC sectors and timely monitoring of supply, use, and key characteristics of these sectors over time.

Data will be collected from two types of LTC providers in the 50 states and the District of Columbia: 11,690 RCCs and 5,440 ADSCs. Data were collected in 2012 and 2014. The data to be collected beginning in 2016 include the basic characteristics, services, staffing, and practices of RCCs and ADSCs; and aggregate-level distributions of the demographics, selected health conditions and health care utilization, physical functioning, and cognitive functioning of RCC residents and ADSC participants.

Expected users of data from this collection effort include, but are not limited to CDC; other Department of Health and Human Services (DHHS) agencies, such as the Office of the Assistant Secretary for Planning and Evaluation, the Office of the National Coordinator for Health Information Technology, and the Administration for Community Living; associations, such as LeadingAge (formerly the American Association of Homes and Services for the Aging), National Center for Assisted Living, American Seniors Housing Association, Argentum (formerly the Assisted Living Federation of America), and National Adult Day Services Association; universities; foundations; and other private sector organizations such as the Alzheimer's Association and the AARP Public Policy Institute.

Expected burden from data collection is 30 minutes per respondent. We estimate that 5% of RCC and ADSC directors will be called for an additional 5 minutes of data retrieval when there are errors or omissions in their returned questionnaires.

The burden for the collection is shown in the Table below. As a result of the addition, deletion, and revision of select items, along with the development of two versions of the questionnaires for both the directors of RCCs and ADSCs, this submission includes 4,310 burden hours, a reduction of 4,626 hours since the previously approved information collection.

There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
RCC Director/Designated Staff Member	RCC Questionnaire—Version A	2,923	1	30/60
RCC Director/Designated Staff Member	RCC Questionnaire—Version B	2,923	1	30/60
ADSC Director/Designated Staff Member	ADSC Questionnaire—Version A	1,350	1	30/60
ADSC Director/Designated Staff Member	ADSC Questionnaire—Version B	1,350	1	30/60
RCC and ADSC Directors/Designated Staff Members.	Data Retrieval	428	1	5/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2016–09188 Filed 4–20–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Funding Opportunity Announcement Number, (FOA) DP16–006, Health Promotion and Disease Prevention Research Centers: Special Interest Project Competitive Supplements (SIPS).

Time and Date: 11:00 a.m.–6:00 p.m., EDT, May 17, 2016 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to "Health Promotion and Disease Prevention Research Centers: Special Interest Project Competitive Supplements (SIPS)", FOA DP16–006.

Contact Person for More Information: Brenda Colley Gilbert, Ph.D., M.S.P.H., Director, Extramural Research Program Operations and Services, CDC, 4770 Buford Highway NE., Mailstop F–80, Atlanta, Georgia 30341, Telephone: (770) 488–6295, *BJC4@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker, MPH, DLP,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2016–09270 Filed 4–20–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 81 FR 5442–5444, dated February 2, 2016) is amended to reflect the reorganization of the Division of Health Care Statistics, National Center for Health Statistics, Centers for Disease Control and Prevention.

Section C–B, Organization and Functions, is hereby amended as follows:

Insert item (2) develops a mathematical and survey statistical program for weighting, estimation, variance analysis, and inference that will be used to obtain, evaluate, analyze, and disseminate health care statistics data; of the functional statement for the *Technical Services Branch (CPCDE)* within the Division of Health Care Statistics, and renumber remaining items accordingly.

Sherri A. Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2016–09183 Filed 4–20–16; 8:45 am]

BILLING CODE 4160–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Subcommittee on Procedures Review (SPR), Advisory Board on Radiation and Worker Health (ABRWH or the Advisory Board), National Institute for Occupational Safety and Health (NIOSH)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following meeting for the aforementioned subcommittee:

Time and Date: 11:00 a.m.–4:30 p.m., EDT, May 16, 2016.

Place: Audio Conference Call via FTS Conferencing.

Status: Open to the public, but without a public comment period. The public is welcome to submit written comments in advance of the meeting, to the contact person below. Written comments received in advance of the meeting will be included in the official record of the meeting. The public is also welcome to listen to the meeting by joining the teleconference at the USA toll-free, dial-in number at 1–866–659–0537 and the pass code is 9933701.

Background: The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines that have been promulgated by the Department of Health and Human Services (HHS) as a final rule; advice on methods of dose reconstruction, which have also been promulgated by HHS as a final rule; advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program; and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC).

In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to CDC. NIOSH implements this responsibility for CDC. The charter was issued on August 3, 2001, renewed at appropriate intervals, rechartered on March 22, 2016, pursuant to Executive Order 13708, and will expire on September 30, 2017.

Purpose: The Advisory Board is charged with (a) providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advise the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class. SPR was established to aid the Advisory Board in carrying out its duty to advise the Secretary, HHS, on dose reconstruction. SPR is responsible for overseeing, tracking, and participating in the reviews of all procedures used in the dose reconstruction process by the NIOSH Division of Compensation Analysis and Support (DCAS) and its dose reconstruction contractor (Oak Ridge Associated Universities—ORAU).

Matters for Discussion: The agenda for the Subcommittee meeting includes: Discussion of procedures in the following ORAU and DCAS technical documents:

OCAS Technical Information Bulletin (TIB) 0014 ("Rocky Flats Internal Dosimetry Coworker Extension"), ORAU OTIB 0013 ("Individual Dose Adjustment Procedures for Y–12 Dose Reconstructions"), ORAU OTIB 0029 ("Internal Dose Reconstructions for Y–12"), ORAU OTIB 0039 ("Internal Dose Reconstructions for Hanford"), ORAU OTIB 0050 ("The Use of Rocky Flats Neutron Dose Reconstruction Project Data in Dose Reconstructions"), ORAU OTIB 0060 ("Internal Dose Reconstructions"), Program Evaluation Report (PER) 003 ("The Effects of Adding Ingestion Intakes to Bethlehem Steel Cases"), PER 004 ("Application of Photofluorography at the Pinellas Plant"), PER 005 ("Misinterpreted Application of External Dose Factor for Hanford Dose Reconstructions"), PER 029 ("Hanford TBD Revision"), PER 042 ("Linde Ceramic Plant TBD Revision"), PER 045 ("Aliquippa Forge TBD Revision"), ORAU PROC 0042 ("Incomplete Monitoring at Y–12"), ORAU RPRT 0044 ("Analysis of Bioassay Data with Significant Fraction of Less-Than Results"); and a continuation of the comment-resolution process for other dose reconstruction procedures under review by the Subcommittee. The agenda is subject to change as priorities dictate.

Contact Person For More Information: Theodore Katz, Designated Federal Officer, NIOSH, CDC, 1600 Clifton Road, Mailstop E–20, Atlanta, Georgia 30329–4027, Telephone (513) 533–6800, Toll Free 1(800) CDC–INFO, Email *ocas@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2016–09268 Filed 4–20–16; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns the CDC National Centers for Excellence in Youth Violence Prevention: Operations Research (Implementation Science) for Strengthening Program Implementation through the President's Emergency Plan for AIDS Relief (PEPFAR), RFA–GH–16–005, initial review.

SUMMARY: This publication corrects a notice that was published in the **Federal Register** on March 22, 2016 Volume 81, Number 55, pages 15307. The meeting place should read as follows:

DATES: *Times and Dates:*

9:00 a.m.–2:00 p.m., EDT, Panel A, April 26, 2016 (Closed)

9:00 a.m.–2:00 p.m., EDT, Panel B, April 27, 2016 (Closed)

FOR FURTHER INFORMATION CONTACT: Hylan Shoob, Scientific Review Officer, Center for Global Health (CGH) Science Office, CGH, CDC, 1600 Clifton Road NE., Mailstop D–69, Atlanta, Georgia 30033, Telephone: (404) 639–4796, *HMS4@CDC.GOV.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2016–09269 Filed 4–20–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–16–1061]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Behavioral Risk Factor Surveillance System (BRFSS) (OMB Control No. 0920–1061, exp. 3/31/2018)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP)—Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC is requesting OMB approval to revise information collection for the Behavioral Risk Factor Surveillance System (BRFSS). The BRFSS is a nationwide system of annual, cross-sectional telephone health surveys sponsored by CDC. BRFSS coordinators in health departments in U.S. states, territories, and the District of Columbia (collectively referred to as states) collaborate with CDC on questionnaire content and survey administration.

An independent sample of adult, non-institutionalized respondents is drawn each for each state and is based on the state's parameters for state-level or sub-state analysis. Each state's annual questionnaire is based on a common core that is administered by all states. In addition, CDC provides support for standardized optional modules that states can use to collect customized content. Information collection is conducted in a continuous, three-part telephone interview process: Screening, participation in core BRFSS questions, and participation in the optional question modules. Both the core survey and the optional modules are updated annually.

CDC requests OMB approval to incorporate a limited annual field test into the BRFSS clearance. Field testing will be conducted approximately 5–8 months in advance of the principal BRFSS survey. Field tests are used to identify problems with new or updated questions, instrument documentation or instructions, software errors, or other implementation issues. Field tests are typically conducted in one state. Addition of the annual field test will increase the estimated annualized number of responses by 900 and the estimated annualized burden by 382 hours. These estimates include allocations for both respondent screening and completion of the field test survey. Each year CDC will use the Change Request mechanism to request OMB approval of the annual Field Test Supplement.

CDC and the states will continue to use BRFSS data to produce state-level information about adults 18 years and older. BRFSS topics include health risk behaviors, health conditions, and preventive health practices that are associated with chronic diseases, infectious diseases, and injury. This information is used by state and local health departments to plan and evaluate public health programs at the state or sub-state level. In addition, CDC makes annual BRFSS data sets available for public use and provides guidance on statistically appropriate uses of the data.

Field test results will not be incorporated into the analytic data sets. Field test results are used exclusively to inform the development of the upcoming year's BRFSS questionnaire and the technical assistance that CDC provides to states.

OMB approval is requested for three years. Participation in the BRFSS is voluntary and there are no costs to respondents other than their time. The total estimated annualized burden hours are 256,297.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr)
U.S. General Population	Landline Screener	440,486	1	1/60
	Cell Phone Screener	223,334	1	1/60
	Field Test Screener	400	1	1/60
Adults ≥18 Years	Core Survey	494,650	1	15/60
	Optional Modules	484,757	1	15/60
	Field Test Survey	500	1	45/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2016–09189 Filed 4–20–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–0832]

Phibro Animal Health Corp.; Carbadox in Medicated Swine Feed; Opportunity for Hearing; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of opportunity for hearing; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** on April 12, 2016 (81 FR 21559). The document announced an opportunity for a hearing on FDA's Center for Veterinary Medicine's proposal to withdraw approval of all new animal drug applications providing for use of carbadox in medicated swine feed and contained an incorrect telephone number for the individual to be contacted for further information. The address for Phibro Animal Health Corp. was also incorrect. This document corrects those errors.

FOR FURTHER INFORMATION CONTACT: Vernon Toelle, Center for Veterinary Medicine (HFV–234), 7519 Standish Pl., Rockville, MD 20855, 240–402–7001.

SUPPLEMENTARY INFORMATION: In FR Doc. 2016–08327, appearing on page 21559 in the **Federal Register** of Tuesday, April 12, 2016, the following corrections are made:

1. On page 21560, in the second column, in the **FOR FURTHER INFORMATION CONTACT** paragraph, the telephone number is corrected to read "240–402–7001".

2. On page 21560, in the third column, in the first paragraph, the address for Phibro Animal Health Corp. is corrected to read "GlenPointe Centre East, 3d floor, 300 Frank W. Burr Blvd., suite 21, Teaneck, NJ 07666".

3. On page 21572, in the first column, in the third paragraph, the address for Phibro Animal Health Corp. is corrected to read "GlenPointe Centre East, 3d floor, 300 Frank W. Burr Blvd., suite 21, Teaneck, NJ 07666".

Dated: April 18, 2016.

Tracey Forfa,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 2016–09265 Filed 4–20–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Determination Concerning a Petition To Add a Class of Employees to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice of a determination concerning a petition to add a class of employees from the Kansas City Plant site, in Kansas City, Missouri, to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA).

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, National Institute for Occupational Safety and Health (NIOSH), 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 1–877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV*.

SUPPLEMENTARY INFORMATION:

Authority: [42 U.S.C.7384q].

On April 12, 2016, the Secretary of HHS determined that the following class of employees does not meet the statutory criteria for addition to the SEC as authorized under EEOICPA:

> All employees who worked in any area of the Kansas City Plant site in Kansas City, Missouri, from January 1, 1949, through December 31, 1993.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2016–09131 Filed 4–20–16; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Eye Disease: Mechanisms, Therapeutic Targets, and Technology-assisted Intervention.

Date: April 26, 2016.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Alessandra C. Rovescalli, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Rm. 5205 MSC7846, Bethesda, MD 20892, (301) 435–1021, *rovescaa@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 15, 2016.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–09221 Filed 4–20–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Environmental Health Sciences Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Environmental Health Sciences Council.

Date: May 24–25, 2016.

Open: May 24, 2016, 8:30 a.m. to 4:45 p.m.

Agenda: Discussion of program policies and issues.

Place: National Institute of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Closed: May 25, 2016, 8:30 a.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Contact Person: Gwen W. Collman, Ph.D., Interim Director, Division of Extramural Research & Training, National Institutes of Health, National Institute of Environmental Health Sciences, 615 Davis Dr., KEY615/3112, Research Triangle Park, NC 27709, (919) 541–4980, *collman@niehs.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://www.niehs.nih.gov/about/boards/naehsc/*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: April 15, 2016.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–09222 Filed 4–20–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) Drug Testing Advisory Board (DTAB) will meet via web conference on May 20, 2016, from 10:00 a.m. to 4:30 p.m. E.D.T. The DTAB will convene in both open and closed sessions.

On May 20, 2016, from 10:00 a.m. to 12:30 p.m., the meeting will be open to the public. The meeting will include drug testing updates from the Department of Transportation, the Nuclear Regulatory Commission, the Department of Defense, and the Federal Drug-Free Workplace Programs.

The public is invited to attend via web conference. Due to the limited call-in capacity, registration is requested. Public comments are welcome. To obtain the web conference call-in numbers and access codes, submit written or brief oral comments, or request special accommodations for persons with disabilities, please register at the SAMHSA Advisory Committees Web site at *http://nac.samhsa.gov/Registration/meetingsRegistration.aspx* or contact the Charles LoDico (see contact information below).

The Board will meet in closed session on May 20, 2016, from 1:00 p.m. to 4:30 p.m., to review and discuss the Proposed Revisions to the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Urine and Oral Fluid). Therefore, this meeting is closed to the public as determined by the Administrator, SAMHSA, in accordance with 5 U.S.C. 552b(c)(9)(B) and 5 U.S.C. App. 2, Section 10(d).

Meeting information and a roster of DTAB members may be obtained by accessing the SAMHSA Advisory Committees Web site, *http://www.samhsa.gov/about-us/advisory-councils/drug-testing-advisory-board-dtab,* or by contacting Mr. LoDico.

Committee Name: Substance Abuse and Mental Health Services Administration's, Center for Substance Abuse Prevention, Drug Testing Advisory Board.

Dates/Time/Type:

May 20, 2016, from 10:00 a.m. to 12:30 p.m. E.D.T.: OPEN.

May 20, 2016, from 1:00 p.m. to 4:30 p.m. E.D.T.: CLOSED.

Place: Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Contact: Charles LoDico, M.S., F–ABFT, Division of Workplace Programs, 5600 Fishers Lane, Room 16N02C, Rockville, Maryland 20857, *Telephone:* 240–276–2600, *Fax:* 240–276–2610, *Email: charles.lodico@samhsa.hhs.gov.*

Summer King,

Statistician, Substance Abuse and Mental Health Services Administration.

[FR Doc. 2016–09197 Filed 4–20–16; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Now Is the Time (NITT)—Project AWARE (Advancing Wellness and Resilience in Education) Evaluation—New

SAMHSA is conducting a national evaluation of the Now is the Time (NITT) initiative, which includes separate programs—NITT Project AWARE (Advancing Wellness and Resilience in Education)—State Educational Agency (SEA), Healthy Transitions (HT), and two Minority Fellowship Programs (Youth and Addiction Counselors). These programs are united by their focus on capacity building, system change, and workforce development.

NITT—Project AWARE, which is the focus of this data collection, represents a response to the third and fourth components of President Obama's NITT Initiative: Making schools safer and focusing on access to mental health services. The goal of NITT—Project AWARE is to develop a comprehensive, coordinated, and integrated program for advancing wellness and resilience in educational settings for school-aged youth.

SAMHSA awarded NITT—Project AWARE grants to 20 SEAs. Each SEA proposed partnerships between at least three high-need Local Educational Agencies (LEAs) to develop a coordinated and integrated plan of services and strategies to address the Project NITT—Project AWARE–SEA goals and objectives. Project AWARE grantees will plan and implement activities designed to increase the capacity of SEAs in three areas: (1) Increase mental health awareness among school-aged (K–12) youth; (2) train those who work with school-aged children to identify and respond to mental health issues in children and young adults; and (3) connect children, youth, and families with mental health services. The intention is to encourage cross-system collaboration and use evidence-based strategies to address mental health needs.

The Project AWARE evaluation will examine the process and outcomes of activities by SEA grantees and their LEA and school partners. It will evaluate the capacity of SEAs to effectively involve family and youth, provide a culturally and linguistically competent and family-centered mental health service array, and implement a process for identifying need and delivering services that is informed by data and coordinated across child-serving agencies. Evaluation questions have been developed to understand grantee context, planning, implementation, outputs, and outcomes across each of the NITT priority areas. Data collection efforts that will support the evaluation are described below.

AWARE Planning and Implementation Activities Inventory (AWARE Activities Inventory), to capture information about all activities supported by Project AWARE resources during the grant period. The inventory will be reviewed and updated on an annual basis at the SEA level with the grant project director, at the LEA level with the grant program coordinators, and at the school level with coordinators in each participating school. The questionnaires will guide review and input of additional information as needed for all activities captured in the AWARE Activities Inventory and conducted under Project AWARE. Each questionnaire will be conducted annually to review and update the AWARE Activities Inventory with 20 SEA-level respondents, 62 LEA-level respondents, and 432 school-level respondents.

SEA Collaborative Partner Survey (SEA–CPS), to collect information about collaborative processes and partnerships at the state level to examine the networks involved in successful information sharing and collaborations across child-serving agencies and the families and youth they serve. SAMHSA estimates that there will be 24 collaborative partner respondents at each SEA grantee who will complete the annual SEA–CPS.

Local Educational Agency Collaborative Partner Survey (LEA–CPS), to collect information about collaborative processes and partnerships at the local level to examine the networks involved in successful information sharing and collaborations across child-serving agencies and the families and youth they serve. The survey will be administered twice during the grant period, with 15 respondents in each of the 62 LEAs.

Collaborative Partner Interview Guide, to collect qualitative information about collaborative processes and partner roles. Approximately 160 core staff (8 SEA-level collaborative partners in each SEA grantee) are expected to participate in annual in-person and telephone interviews.

School Information Systems Data Abstraction Protocol, to capture information from existing school information systems about student socio-demographics, school climate, and school safety. The data abstraction protocol will detail the procedure through which the national evaluation team will abstract data from each LEA or school information system. These data will be requested annually to cover school-level measures from the 2014–2015 through 2018–2019 school years. School-level information will be collected at the school level for all sample schools (N = 432), but the number of respondents is calculated based on whether the school information systems are consistent across SEAs and/or LEAs, or whether they vary from school to school. Based on preliminary discussions with the grantees, SAMHSA estimates that five SEA grantees will be able to provide data for all sample schools in the SEA (N = 5 SEA respondents), the data will be provided from LEAs in ten of the SEA grantees (N = 30 LEA respondents), and the remaining five SEA grantees will have school information systems and surveys that differ at the school level (N = 90 school respondents). Therefore 125 respondents will provide the secondary data that covers the 432 sample schools.

Teacher Mental Health Literacy Survey, to assess the mental health literacy and associated knowledge and skills of teachers in selected schools participating in Project AWARE activities. This survey will be administered twice to a random sample of teachers in selected schools in partner LEAs, stratified by school type and size. An average sample size of approximately 24 teachers will be selected from each of the 432 schools selected to participate in the school-level coordinator questionnaire data collection.

Existing Teacher and Student Survey Data Abstraction Protocols, to compile information from existing surveys to examine school climate and safety. The data abstraction protocol will be customized for each SEA based on the specific data collected by each state. Data from existing teacher and student surveys in selected schools (N = 432) participating in the national evaluation will be provided to the national evaluation on an annual basis. The number of respondents is calculated based on whether the existing student and teacher surveys are consistent across SEAs and/or LEAs, or whether they vary from school to school. Based on preliminary discussions with the grantees, SAMHSA estimates that 125 respondents will provide the secondary student and teacher survey data that covers the 432 sample schools.

Student Focus Groups Protocol, to collect qualitative information about student perceptions of school climate; ability to identify signs of mental, behavioral, or emotional health issues; and student knowledge of school- and community-level service access. The evaluation team will conduct these focus groups during site visits conducted in 2016 and 2019. The guided discussion protocol will focus on participants' general knowledge of available resources, programs to support AWARE activities, and overall perceptions of school climate and safety. The focus groups will be conducted with approximately 8–10 students in each of four schools from one LEA associated with each SEA grantee, for a total of no more than 800 students participating in focus groups at each of the two site visits. Each focus group will last approximately one and a half hours.

ANNUALIZED BURDEN HOURS

Instrument	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours
SEA leadership questionnaire	20	1	20	1	20
LEA coordinator questionnaire	62	1	62	1	62
School coordinator questionnaire	432	1	432	1	432
SEA-Collaborative Partner Survey	480	1	480	0.5	240
LEA-Collaborative Partner Survey	930	1	930	0.5	465
Collaborative partner interviews	160	1	160	1	160
Teacher mental health literacy survey	10,368	1	10,368	0.5	5,184
Student focus groups	800	1	800	1.5	1,200
School information systems data abstraction	125	1	125	1.5	188
Student survey data abstraction	125	1	125	1.5	188
Teacher school climate and school safety survey	125	1	125	1.5	188
TOTAL	[a] 13,377		13,627		8,327

*This is an unduplicated count of total respondents.

Send comments to Summer King, SAMHSA Reports Clearance Officer, 5600 Fishers Lane, Room 15E57–B, Rockville, Maryland 20857, *OR* email a copy to *summer.king@samhsa.hhs.gov.* Written comments should be received by June 20, 2016.

Summer King,

Statistician.

[FR Doc. 2016–09215 Filed 4–20–16; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0007]

Public Assistance Program Minimum Standards

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice of availability; request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) is accepting comments on a proposed policy regarding minimum standards for Public Assistance restoration of damaged facility projects.

DATES: Comments must be received by May 23, 2016.

ADDRESSES: Comments must be identified by docket ID FEMA–2016–0007 and may be submitted by one of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments. Please note that this proposed policy is not a rulemaking and the Federal Rulemaking Portal is being utilized only as a mechanism for receiving comments.

Mail: Regulatory Affairs Division, Office of Chief Counsel, Federal Emergency Management Agency, 8NE, 500 C Street SW., Washington, DC 20472–3100.

FOR FURTHER INFORMATION CONTACT: William Roche, Director, Public Assistance Division, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202–646–3834.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Instructions: All submissions received must include the agency name and docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice, which can be viewed by clicking on the "Privacy Notice" link in the footer of *www.regulations.gov.*

You may submit your comments and material by the methods specified in the **ADDRESSES** section above. Please submit your comments and any supporting material by only one means to avoid the receipt and review of duplicate submissions.

Docket: The proposed policy is available in docket ID FEMA–2016–0007. For access to the docket to read background documents or comments received, go to the Federal eRulemaking Portal at *http://www.regulations.gov* and search for the docket ID. Submitted comments may also be inspected at FEMA, Office of Chief Counsel, 8NE, 500 C Street SW., Washington, DC 20472.

II. Background

The purpose of the proposed policy is to establish minimum standards for Public Assistance projects to promote resiliency and increase achieved risk reduction under the authority of Stafford Act § 323, 42 U.S.C. 5165a and § 406(e), 42 U.S.C. 5172. When using Public Assistance funds to repair, replace or construct buildings located in hazard-prone areas, applicants would use, at a minimum, the hazard-resistant standards reflected or referenced in the International Building Code (IBC). Costs associated with meeting these standards would be eligible. The proposed policy language would replace Chapter 2:VII.C.2 of the Public Assistance Program and Policy Guide (PAPPG), available at *http://www.fema.gov/media-library/assets/documents/111781.*

The proposed policy does not have the force or effect of law.

FEMA seeks comment on the proposed policy, which is available online at *http://www.regulations.gov* in docket ID FEMA–2016–0007. Based on the comments received, FEMA may make appropriate revisions to the proposed policy. Although FEMA will consider any comments received in the drafting of the final policy, FEMA will not provide a response to comments document. When or if FEMA issues a final policy, FEMA will publish a notice of availability in the **Federal Register** and make the final policy available at *http://www.regulations.gov.* The final policy will not have the force or effect of law.

Authority: 42 U.S.C. 5165a, 5172; 44 CFR 206.226, 206.400.

David Bibo,

Acting Associate Administrator, Office of Policy and Program Analysis, Federal Emergency Management Agency.

[FR Doc. 2016–09258 Filed 4–20–16; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2016–0023]

Privacy Act of 1974; Department of Homeland Security, Federal Emergency Management Agency–013 Operational Use of Publicly Available Social Media Internet Sources for Situational Awareness System of Records

AGENCY: Privacy Office, Department of Homeland Security.

ACTION: Notice of Privacy Act System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security (DHS) proposes to establish a new system of records titled, "DHS/Federal Emergency Management Agency (FEMA)–013 Operational Use of Publicly Available Social Media Internet Sources for Situational Awareness System of Records." This system of records authorizes DHS/FEMA to monitor, collect, and maintain information from publicly available social media sources to provide critical situational awareness in support of FEMA's mission to reduce the loss of life and property and protect the nation from all hazards, including natural disasters, acts of terrorism, and other man-made disasters. FEMA's social media monitoring initiative was neither designed nor intended to collect personally identifiable information (PII); however, given the unpredictable nature of disasters and emergency management, the content that is posted, and the voluntary and unrestricted nature of social media, it is possible for FEMA to collect, maintain, and *in extremis* circumstances, disseminate a limited amount of PII to first responders. FEMA is publishing this System of Records Notice because FEMA may collect PII from social media for certain narrowly tailored categories. For example, in the event of an *in extremis* situation involving potential life and death, FEMA will collect and share certain PII with Federal, State, local, tribal, and territorial first responders in order for them to take the

necessary actions to save a life, such as the name and location of a person asking for help during a man-made or natural disaster. This new system of records will be included in the DHS inventory of record systems.

DATES: Submit comments on or before May 23, 2016. This new system will be effective May 23, 2016.

ADDRESSES: You may submit comments, identified by docket number DHS–2016–0023 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Karen L. Neuman, Chief Privacy Officer, Privacy Office, Department of Homeland Security, 245 Murray Drive SW., Building 410, STOP–0655, Washington, DC 20528.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, please visit *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general questions, please contact: Eric M. Leckey, (202) 212–5100, Privacy Officer, Federal Emergency Management Agency, Department of Homeland Security, Washington, DC 20528. For privacy questions, please contact: Karen L. Neuman, (202) 343–1717, Chief Privacy Officer, Privacy Office, Department of Homeland Security, 245 Murray Drive SW., Building 410, STOP–0655, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) proposes to establish a new DHS system of records titled, "DHS/FEMA–013 Operational Use of Publicly Available Social Media Internet Sources for Situational Awareness System of Records."

This system of records will allow DHS/FEMA to maintain a state of disaster and emergency response readiness through situational awareness of publicly available information posted on social media to take appropriate actions when necessary or to provide information related to a disaster to the first responder community for situational awareness purposes. Situational awareness is defined as "information gathered from a variety of sources that, when communicated to emergency managers and decision makers, can form the basis for incident management decision-making." *See* sec. 515 of the Homeland Security Act (6 U.S.C. 321d(b)(1)).

The DHS/FEMA Office of Response and Recovery (ORR), Response Directorate is the office responsible for situational awareness activities and also operates DHS/FEMA Watch Centers, including the National Response Coordination Center (NRCC) and FEMA's Regional Response Coordination Centers (RRCC). The Operational Use of Publicly Available Social Media for Situational Awareness Initiative, as led by the DHS/FEMA ORR, monitors and reviews publicly available social media and uses a set of keywords or "hash-tags" to find and retrieve content relevant to DHS/FEMA for situational awareness purposes. Under this Initiative, DHS/FEMA generally will not: (1) Actively seek PII; (2) post any information; (3) actively seek to connect with other internal/external personal users; (4) accept other internal/external personal users' invitations to connect; or (5) interact on social media sites. However, DHS/FEMA is permitted to establish user names and passwords to form profiles and follow relevant government, media, and subject matter experts on social media sites in order to use search tools under established criteria and search terms for monitoring that supports providing situational awareness and establishing a common operating picture.

DHS/FEMA social media monitoring is not designed to collect PII from members of the public; however, given the unpredictable nature of disasters and emergency management and the unrestricted nature of social media, DHS/FEMA may collect a limited amount of PII from the public through its monitoring of social media. The information may be provided to first responders during *in extremis* situations involving the possible loss of life. PII on the following categories of individuals may be collected when it lends credibility to the report or facilitates coordination with Federal, State, local, tribal, territorial (SLTT), foreign, or international government partners: (1) Individuals within the United States *in extremis* situations involving potential life or death circumstances; (2) senior U.S. Government officials who make public statements or provide public updates about natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents; (3) U.S. Government spokespersons who make public statements or provide public updates about natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents; (4) U.S. private sector officials and spokespersons who make public statements or provide public updates about natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents; (5) names of anchors, newscasters, or on-scene reporters who are known or identified as reporters in their post or article, or who use traditional and/or social media in real time to keep their audience situationally aware and informed; and (6) public officials, current and former, who are victims of natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents.

Consistent with DHS's information-sharing mission, information stored in the DHS/FEMA–013 Operational Use of Publicly Available Social Media Internet Sources for Situational Awareness System of Records may be shared with other DHS Components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, DHS/FEMA may share information from this system with appropriate Federal, State, local, tribal, territorial, foreign, or international government agencies consistent with the routine uses set forth in this system of records notice.

DHS is publishing this system of records notice to describe DHS/FEMA's collection of PII through social media monitoring. DHS/FEMA collects and maintains minimal PII that is necessary to respond to, report on, and contact or assist individuals *in extremis* situations. This newly established system will be included in DHS's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a "system of records." A "system of records" is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S.

citizens and lawful permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals when systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors.

Below is the description of the DHS/FEMA–013 Operational Use of Publicly Available Social Media Internet Sources for Situational Awareness System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

DHS/FEMA–013

SYSTEM OF RECORDS:

Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)–013.

SYSTEM NAME:

DHS/FEMA–013 Operational Use of Publicly Available Social Media Internet Sources for Situational Awareness System of Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

DHS/FEMA retains records at the DHS/FEMA Headquarters in Washington, DC, DHS/FEMA regional field offices, and at the DHS National Operations Center, in Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by the system:

- Individuals located within the United States *in extremis* situations involving potential life or death circumstances;
- Senior U.S. Government officials who make public statements or provide public updates about natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents;
- U.S. Government spokespersons who make public statements or provide public updates about natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents;
- U.S. private sector officials and spokespersons who make public statements or provide public updates about natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents;
- Names of anchors, newscasters, or on-scene reporters who are known or identified as reporters in their post or article or who use traditional and/or social media in real time to keep their audience situationally aware and informed (including known subject matter experts such as emergency management volunteers, tornado spots, and Community Emergency Response Team members) about natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents; and
- Current and former public officials who are victims of natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Through the course of normal social media monitoring, FEMA does not collect any records from individuals. However, *in extremis* situations FEMA may collect:

- Individual's name;
- Social media account information including: Email address, Login ID, Handle, User Name, or Alias;
- Address or approximate location (via geo-coded submission);
- Job title or Position;
- Phone numbers, email address, or other contact information included in or associated with a user profile;
- Date and Time of post; and
- Additional details relevant to an *in extremis* situation (*e.g.,* details of an individual's physical condition).

This system of records may also include:

- Reports related to incidents or updates seen via social media;
- Links to original social media content described in reports; and
- Links to other open source media such as a publicly available news Web sites.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

6 U.S.C. 313(b)(2)(A)–(H); 6 U.S.C. 314(b)(1), 6 U.S.C. 314(a)(17); and 6 U.S.C. 321d(b)(1).

PURPOSE(S):

The purpose of this system is to monitor and review publicly available social media Internet sources for situational awareness to maintain timely, actionable decision-making. DHS/FEMA collects PII through social media Internet sources to respond to and provide potentially lifesaving assistance to the individual only *in extremis* situations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including Offices of the United States Attorneys, or other Federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any Component thereof;
2. Any employee or former employee of DHS in his or her official capacity;
3. Any employee or former employee of DHS in his or her individual capacity when DOJ or DHS has agreed to represent the employee; or
4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;
2. DHS has determined that as a result of the suspected or confirmed compromise, there is a risk of identity theft or fraud, harm to economic or property interests, harm to an individual, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) that rely upon the compromised information; and
3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate Federal, State, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To Federal, State, local, tribal emergency management agencies, and the National Center for Missing and Exploited Children, and other partners who assist in emergency response, reunification, or rescue efforts.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, or digital media.

RETRIEVABILITY:

Much of the data within this system does not pertain to an individual; rather, the information pertains to locations, geographic areas, facilities, and other things or objects not related to individuals. However, in the event that PII is collected, DHS/FEMA may retrieve records by date, time stamp, incident name, individual name, or social media user name.

SAFEGUARDS:

DHS/FEMA safeguards records in this system in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. Strict controls are in place to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RETENTION AND DISPOSAL:

FEMA's ORR is collaborating with FEMA Records Management Division and NARA to establish an approved retention and disposal policy for any records created through this initiative related to its situation reports and responses to *in extremis* situations. However, all PII from reports are redacted once the information is sent to the appropriate first responders *in extremis* situations.

SYSTEM MANAGER AND ADDRESS:

Director of National Watch Center, Response Directorate, FEMA, 500 C Street SW., Washington, DC 20472.

NOTIFICATION PROCEDURE:

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the DHS/FEMA Freedom of Information Act (FOIA) Officer, whose contact information can be found at *http://www.dhs.gov/foia* under "Contacts." If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Chief Privacy Officer and Chief FOIA Officer, Department of Homeland Security, 245 Murray Drive SW., Building 410, STOP–0655, Washington, DC 20528.

When seeking records about yourself from this system of records or any other Departmental system of records, your request must conform with the Privacy Act regulations set forth in 6 CFR part 5. You must first verify your identity, meaning that you must provide your full name, current address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy Officer and Chief FOIA Officer, *http://www.dhs.gov/foia* or 1–866–431–0486. In addition, you should:

- Explain why you believe the Department would have information on you;
- Identify which component(s) of the Department you believe may have the information about you;
- Specify when you believe the records would have been created; and
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records.

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without the above information, the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

DHS/FEMA may collect information from members of the public, first responders, press, volunteers, and others that provide publicly available information on social media sites including online forums, blogs, public Web sites, and message boards. All DHS/FEMA users of social media are clearly identified as DHS/FEMA employees and do not collect any information that is not publicly available or inaccessible due to user privacy settings.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: April 14, 2016.

Karen L. Neuman,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2016–09191 Filed 4–20–16; 8:45 am]

BILLING CODE 9110–17–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2015–0017]

Information Sharing and Analysis Organization Executive Order 13691

AGENCY: Department of Homeland Security.

ACTION: Notice of public meeting.

SUMMARY: This Notice announces a public meeting on May 18 and May 19, 2016 in Anaheim, California to discuss and debate Voluntary Standards for Information Sharing and Analysis Organizations (ISAOs) as they relate to E.O. 13691.

DATES: The meeting for working groups and their leads will be held May 18, 2016 from 7:00 a.m. to 5:00 p.m. Pacific. The meeting for the general public will be held May 19, 2016 from 7:00 a.m. to 5:00 p.m. Pacific. The meetings may conclude before the allotted time if all matters for discussion have been addressed.

ADDRESSES: The meeting location is Anaheim, California at the Hilton Anaheim—777 W Convention Way, Anaheim, CA 92802. Participants are encouraged to contact *ISAO@lmi.org* for information on travel and logistics.

FOR FURTHER INFORMATION CONTACT: If you have questions concerning the meeting, please contact the ISAO Standards Organization at *ISAO@lmi.org*.

SUPPLEMENTARY INFORMATION:

Background and Purpose

On February 13, 2015, President Obama signed E.O. 13691 intended to enable and facilitate "private companies, nonprofit organizations, and executive departments and agencies . . . to share information related to cybersecurity risks and incidents and collaborate to respond in as close to real time as possible."

In accordance with E.O. 13691, DHS has entered into a cooperative agreement with a non-governmental ISAO Standards Organization led by the University of Texas at San Antonio with support from the Logistics Management Institute (LMI) and the Retail Cyber Intelligence Sharing Center (R–CISC). The ISAO Standards Organization is to work with existing information sharing organizations, owners and operators of critical infrastructure, relevant agencies, and other public and private sector stakeholders to identify a common set of voluntary standards or guidelines for the creation and functioning of ISAOs.

The May meeting in Anaheim California is part of this collaborative effort. This meeting is another in a series of workshops to assure transparency in the standards development process. Previous in-person workshops were held by DHS on June 9, 2015 at the Volpe Center in Cambridge, MA, and on July 30, 2015 at San Jose State University in San Jose, CA; and by the ISAO Standards Organization on November 9, 2015 at the LMI Headquarters in Tysons, VA, and February 9, 2016 at the University of Texas at San Antonio in San Antonio, TX.

Meeting Details

The Information Sharing and Analysis Organization (ISAO) Standards Organization is working with its six Standards Working Groups (SWGs) to develop documents to address the creation and functioning of ISAOs. The initial set of draft documents will focus on the needs of those seeking to join or form an ISAO and should be released for public comment by early May. The initial set of voluntary standards should be released for comment in June 2016.

Specific questions to be addressed include:

- What needs to be considered by a newly-forming ISAO and what are the first steps?
- What capabilities might an ISAO provide?
- What types of information will be shared and what are some mechanisms for doing so?
- What security and privacy is needed for a newly-forming ISAO?
- What mentoring support is available for newly-forming ISAOs?
- What government programs and services are available to assist ISAOs?
- What concerns do regulators and law enforcement have about the new ISAO construct?

During the May 19th public meeting in Anaheim, California, the Standards Organization will encourage public discussion and debate of the ISAO Working Groups initial draft documents. Additionally, the Standards Organization seeks input on proposed voluntary standards. All input and comments received in this forum will be evaluated by the ISAO Standards Organization and working groups as the initial set of documents are finalized for publication by September. The minutes from this meeting will be made available to the public at *www.isao.org*.

Submitting Written Comments

You may submit written comments to the docket using one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.* Although this is not a rulemaking action, comments are being submitted to the Federal eRulemaking Portal in an effort to provide transparency to the general public.

(2) *Email: ISAO@lmi.org.* Include the docket number in the subject line of the message.

(3) *Mail:* ISAO Standards Organization, c/o LMI, 1777 NE Loop 410, Suite 808, San Antonio, TX 78217–5217.

To avoid duplication, please use only one of these three methods. All comments must either be submitted to the online docket on or before November 4, 2015, or reach the Docket Management Facility by that date.

References

Executive Order 13691 can be found at: *https://www.whitehouse.gov/the-press-office/2015/02/13/executive-order-promoting-private-sector-cybersecurity-information-shari.*

For additional information about the ISAO Standards Organization, draft products, and the May public meeting (including a link to reduced rate hotel rooms), please go to *www.ISAO.org.*

Authority: 6 U.S.C. 131–134; 6 CFR. 29; E.O. 13691.

Dated: April 15, 2016.

Andy Ozment,

Assistant Secretary, Cybersecurity and Communications, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. 2016–09187 Filed 4–20–16; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2016–N072; FXES11130800000–167–FF08E00000]

Endangered Species Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (Act) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. The Act also requires that we invite public comment before issuing recovery permits to conduct certain activities with endangered species.

DATES: Comments on these permit applications must be received on or before May 23, 2016.

ADDRESSES: Written data or comments should be submitted to the Endangered Species Program Manager, U.S. Fish and Wildlife Service, Region 8, 2800 Cottage Way, Room W–2606, Sacramento, CA 95825 (telephone: 916–414–6464; fax: 916–414–6486). Please refer to the respective permit number for each application when submitting comments.

FOR FURTHER INFORMATION CONTACT: Daniel Marquez, Fish and Wildlife Biologist; see **ADDRESSES** (telephone: 760–431–9440; fax: 760–431–9624).

SUPPLEMENTARY INFORMATION: The following applicants have applied for scientific research permits to conduct certain activities with endangered species under section 10(a)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*). We seek review and comment from local, State, and Federal agencies and the public on the following permit requests

Applicants

Permit No. TE–227263

Applicant: Emilie Strauss, Berkeley, California

The applicant requests a permit renewal to take (harass by survey) the California Ridgway's rail (California clapper r.) (*Rallus obsoletus obsoletus*) (*R. longirostris o.*) in conjunction with survey activities throughout the range of the species for the purpose of enhancing the species' survival.

Permit No. TE–098997

Applicant: Gregory Warrick, Tehachapi, California

The applicant requests a permit amendment to take (harass by survey, capture, handle, and release) the Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*) and giant kangaroo rat (*Dipodomys ingens*) in conjunction with survey activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–807078

Applicant: Point Reyes Bird Observatory, Petaluma, California

The applicant requests a permit amendment to take (harass by survey, nest monitor, capture, measure, band, release, and set up, monitor and maintain cameras) the California least tern (*Sternula antillarum browni*) (*Sterna a. browni*), take (harass by survey, nest monitor, and remove brown-headed cowbird (*Molothrus ater*) eggs and chicks from parasitized nests) the southwestern willow flycatcher (*Empidonax traillii extimus*); take (harass by survey) the California Ridgway's rail (California clapper r.) (*Rallus obsoletus obsoletus*) (*R. longirostris o.*); and take (locate, nest monitor, and remove brown-headed cowbird (*Molothrus ater*) eggs and chicks from parasitized nests) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with survey and monitoring activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–026659

Applicant: Ventana Wildlife Society, Salinas, California

The applicant requests a permit renewal to take (capture, handle, transport, take biological samples, attach transmitters and wing markers, perform veterinary care, release, and monitor) the California condor (*Gymnogyps californianus*) in conjunction with reintroduction activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–58888A

Applicant: Dale Ritenour, LaMesa, California

The applicant requests a permit renewal to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*); and take (harass by survey, capture, handle, release, collect vouchers, analyze soil samples, and collect branchiopod cysts) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with survey activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–89991B

Applicant: Sarah Vonderohe, Sacramento, California

The applicant requests a permit to take (harass by survey, capture, handle, release, collect vouchers, and collect branchiopod cysts) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with survey activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–89994B

Applicant: Daria Snider, Sacramento, California

The applicant requests a permit to take (harass by survey, capture, handle, release, collect vouchers, and collect branchiopod cysts) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with survey activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–082546

Applicant: Elkhorn Slough National Estuarine Reserve, Watsonville, California

The applicant requests a permit renewal to take (harass by survey, capture, handle, collect biological samples, and release) the Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*) in Monterey and Santa Cruz Counties, California, in conjunction with research activities for the purpose of enhancing the species' survival.

Permit No. TE–092162

Applicant: Andrew Borcher, Lakeside, California

The applicant requests a permit renewal to take (locate and monitor nests) the least Bell's vireo (*Vireo bellii pusillus*) and take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with survey activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–063429

Applicant: California Department of Water Resources, Fresno, California

The applicant requests a permit renewal to take (capture, handle, and release) the Fresno kangaroo rat (*Dipodomys nitratoides exilis*), giant kangaroo rat (*Dipodomys ingens*), Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*), and Buena Vista Lake shrew (*Sorex ornatus relictus*) in conjunction with survey activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–027296

Applicant: Michael H. Fawcett, Bodega, California

The applicant requests a permit renewal to take (harass by survey, capture, handle, and release) the California tiger salamander (Sonoma County Distinct Population Segment (DPS)) (*Ambystoma californiense*) in Sonoma County, California; take (harass by survey, capture, handle, and release) the California freshwater shrimp (*Syncaris pacifica*) throughout the range of the species; and take (harass by survey, capture, handle, release, and collect voucher specimens) the tidewater goby (*Eucyclogobius newberryi*) in Marin, Mendocino, Monterey, San Francisco, San Mateo, Santa Cruz, and Sonoma Counties, California, in conjunction with survey activities for the species for the purpose of enhancing the species' survival.

Permit No. TE–813545

Applicant: Brock Ortega, Poway, California

The applicant requests a permit renewal to take (locate and monitor nests) the least Bell's vireo (*Vireo bellii pusillus*); take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*); take (harass by survey, capture, handle, release, collect vouchers, and collect branchiopod cysts) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and vernal pool tadpole shrimp (*Lepidurus packardi*); and take (harass by survey and nest monitoring) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with survey and population monitoring activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–89964A

Applicant: Debra Barringer, Ventura, California

The applicant requests a permit amendment to take (harass by survey, locate and monitor nests, and erect/install symbolic fencing and signs) the California least tern (*Sternula antillarum browni*) (*Sterna a. browni*) in conjunction with survey activities in San Diego and Ventura Counties, California, for the purpose of enhancing the species' survival.

Permit No. TE–068799

Applicant: Mikael T. Romich, Redlands, California

The applicant requests a permit amendment to take (harass by survey, nest monitor, and remove brown-headed cowbird (*Molothrus ater*) eggs and chicks from parasitized nests) southwestern willow flycatcher (*Empidonax traillii extimus*) throughout the range of the species in California, Arizona, New Mexico, and Nevada; take (locate and monitor nests, and remove brown-headed cowbird (*Molothrus ater*) eggs and chicks from parasitized nests) least Bell's vireo (*Vireo bellii pusillus*); and take (harass by survey, capture, handle, and release) the San Bernardino Merriam's kangaroo rat (*Dipodomys merriami parvus*) and Stephens' kangaroo rat (*Dipodomys stephensi*) in conjunction with surveys, population monitoring, and territorial mapping activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–221287

Applicant: Diana G. Saucedo, San Diego, California

The applicant requests a permit amendment to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*); and take (harass by survey, capture, handle, release, collect vouchers, and collect branchiopod cysts) the San Diego fairy shrimp (*Branchinecta sandiegonensis*) and Riverside fairy shrimp (*Streptocephalus woottoni*) in conjunction with survey activities throughout the range of the species for the purpose of enhancing the species' survival.

Permit No. TE–067992

Applicant: Daniel Dugan, Morro Bay, California

The applicant requests a permit renewal to take (locate, handle, measure, relocate, and release) the Morro shoulderband snail (Banded dune) (*Helminthoglypta walkeriana*) in San Luis Obispo County, California; and take (harass by survey, capture, handle, and release) the tidewater goby (*Eucyclogobius newberryi*) throughout the range of the species in California, in conjunction with survey activities for the species for the purpose of enhancing the species' survival.

Permit No. TE–067990

Applicant: Barbie Dugan, Morro Bay, California

The applicant requests a permit renewal to take (locate, handle, measure, relocate, and release) the Morro shoulderband snail (Banded dune) (*Helminthoglypta walkeriana*) in conjunction with survey activities for the species in San Luis Obispo County, California, for the purpose of enhancing the species' survival.

Permit No. TE–92167B

Applicant: San Francisco Zoological Society, San Francisco, California

The applicant requests a permit to take (captive rear, perform husbandry, transport, insert PIT (passive integrated transponder) tag, perform biological testing, treat, euthanize, perform behavior studies, and perform genetic analysis) throughout all life stages, the Sierra Nevada yellow-legged frog (*Rana sierrae*) and mountain yellow-legged frog ((southern California DPS, and northern California DPS) (*Rana muscosa*)) in conjunction with research, captive rearing, and general husbandry activities at the San Francisco Zoo and Gardens in San Francisco, California for the purpose of enhancing the species' survival.

Permit No. TE–813431

Applicant: Peter Famolaro, Spring Valley, California

The applicant requests a permit renewal to take (harass by survey) the light-footed Ridgway's rail (light-footed clapper r.) (*Rallus obsoletus levipes*) (*R. longirostris l.*) in San Diego County, California; take (harass by survey, locate and monitor nests, and remove brown-headed cowbird (*Molothrus ater*) eggs and chicks from parasitized nests) southwestern willow flycatcher (*Empidonax traillii extimus*); and take (locate and monitor nests, remove brown-headed cowbird (*Molothrus ater*) eggs and chicks from parasitized nests, capture, handle, and band) least Bell's vireo (*Vireo bellii pusillus*), in conjunction with population monitoring, research, and survey activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–92719B

Applicant: Thomas Dayton, Encinitas, California

The applicant requests a new permit to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*); and take (harass by survey, and locate and monitor nests) least Bell's vireo (*Vireo bellii pusillus*), in conjunction with population monitoring, and survey activities throughout the range of the species for the purpose of enhancing the species' survival.

Permit No. TE–744878

Applicant: Institute for Wildlife Studies, Arcata, California

The applicant requests a permit renewal to take (harass by survey, capture, handle, measure, sex, insert PIT tag, radio-collar, vaccinate, collect biological samples, treat for ear mites, test for reproductive capacity and status, transport, and release) the Santa Cruz Island fox (*Urocyon littoralis santacruzae*), and Santa Catalina Island fox (*Urocyon littoralis catalinae*) in conjunction with research activities on Santa Cruz Island in Santa Barbara County and Santa Catalina Island in Los Angeles County, California for the purpose of enhancing the species' survival.

Permit No. TE–92770B

Applicant: East Bay Zoological Society, Oakland, California

The applicant requests a permit to take (captive rear, perform husbandry, transport, insert PIT tag, perform biological testing, treat, euthanize, perform behavior studies, and perform genetic analysis) throughout all life stages, the Sierra Nevada yellow-legged frog (*Rana sierrae*), and mountain yellow-legged frog ((southern California DPS, and northern California DPS) (*Rana muscosa*)) in conjunction with research, captive rearing, and general husbandry activities at the Oakland Zoo, Oakland, California for the purpose of enhancing the species' survival.

Permit No. TE–106908

Applicant: Manna Warburton, San Diego, California

The applicant requests a permit renewal to take (harass by survey, capture, handle, measure, insert PIT tag, and release) the arroyo toad (arroyo southwestern) (*Anaxyrus californicus*) and the mountain yellow-legged frog (southern California DPS) (*Rana mucosa*) in Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura Counties, California; take (harass by survey, capture, handle, and release) the tidewater goby (*Eucyclogobius newberryi*) in San Diego, Orange, Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Monterey, Santa Cruz, San Mateo, San Francisco, Marin, Sonoma, Mendocino, and Humboldt Counties, California; and take the unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*) in the Santa Clara River in Los Angeles and Ventura Counties, and Sugarloaf Pond in the San Bernardino National Forest, San Bernardino County, California, in conjunction with survey activities for the purpose of enhancing the species' survival.

Permit No. TE–92799B

Applicant: Karl Fairchild, Fullerton, California

The applicant requests a new permit to take (harass by survey, and locate and monitor nests) southwestern willow flycatcher (*Empidonax traillii extimus*) and least Bell's vireo (*Vireo bellii pusillus*) in conjunction with survey and population monitoring activities in Ventura County, California for the purpose of enhancing the species' survival.

Permit No. TE–89998A

Applicant: Matthew Amalong, Fountain Valley, California

The applicant requests a permit renewal to take (harass by survey, locate and monitor nests, capture, band, and release) California least tern (*Sternula antillarum browni*) (*Sterna a. browni*) in conjunction with survey and population monitoring activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–92905B

Applicant: Brian Berry, Bakersfield, California

The applicant requests a permit to take (harass by survey, capture, handle, mark, and release) the Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*), Fresno kangaroo rat (*Dipodomys nitratoides exilis*), and giant kangaroo rat (*Dipodomys ingens*) in conjunction with survey activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Public Comments

We invite public review and comment on each of these recovery permit applications. Comments and materials we receive will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Angela Picco,

Acting Regional Director, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2016–09260 Filed 4–20–16; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2016–N057; FXES11120200000–167–FF02ENEH00]

Receipt of Incidental Take Permit Applications for Participation in the Amended Oil and Gas Industry Conservation Plan for the American Burying Beetle in Oklahoma

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for public comments.

SUMMARY: Under the Endangered Species Act, as amended (Act), we, the U.S. Fish and Wildlife Service, invite the public to comment on incidental take permit applications for take of the federally listed American burying beetle resulting from activities associated with the geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning of oil and gas well field infrastructure and pipelines within Oklahoma. If approved, the permits would be issued under the approved *Amended Oil and Gas Industry Conservation Plan Associated with Issuance of Endangered Species Act Section 10(a)(1)(B) Permits for the American Burying Beetle in Oklahoma* (ICP).

DATES: To ensure consideration, written comments must be received on or before May 23, 2016.

ADDRESSES: You may obtain copies of all documents and submit comments on the applicant's ITP application by one of the following methods. Please refer to the permit number when requesting documents or submitting comments.

- ○ *U.S. Mail:* U.S. Fish and Wildlife Service, Division of Endangered Species—HCP Permits, P.O. Box 1306, Room 6034, Albuquerque, NM 87103.
- ○ *Electronically: fw2_hcp_permits@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Marty Tuegel, Branch Chief, by U.S. mail at: U.S. Fish and Wildlife Service, Environmental Review Division, P.O. Box 1306, Room 6034, Albuquerque, NM 87103; or by telephone at 505–248–6651.

SUPPLEMENTARY INFORMATION:

Introduction

Under the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.;* Act), we, the U.S. Fish and Wildlife Service, invite the public to comment on incidental take permit (ITP) applications for take of the federally listed American burying beetle (*Nicrophorus* *americanus*) resulting from activities associated with geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning of oil and gas well field infrastructure, as well as construction, maintenance, operation, repair, decommissioning, and reclamation of oil and gas gathering, transmission, and distribution pipeline infrastructure within Oklahoma. If approved, the permit would be issued to the applicant under the *Amended Oil and Gas Industry Conservation Plan Associated with Issuance of Endangered Species Act Section 10(a)(1)(B) Permits for the American Burying Beetle in Oklahoma* (ICP). The original ICP was approved on May 21, 2014 (publication of the FONSI notice was on July 25, 2014; 79 FR 43504). The draft amended ICP was made available for comment on March 8, 2016 (81 FR 12113), and approved on April 13, 2016. The ICP and the associated environmental assessment/finding of no significant impact are available on the Web site at *http://www.fws.gov/southwest/es/oklahoma/ABBICP*. However, we are no longer taking comments on these finalized, approved documents.

Applications Available for Review and Comment

We invite local, State, Tribal, and Federal agencies, and the public to comment on the following application under the ICP, for incidental take of the federally listed ABB. Please refer to the appropriate permit number (*e.g.*, TE–123456) when requesting application documents and when submitting comments. Documents and other information the applicants have submitted with this application are available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552).

Permit TE40320B

Applicant: Enable Midstream Partners, LP, Shreveport, LA.

Applicant requests an amended permit for oil and gas upstream and midstream production, including geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning of oil and gas well field infrastructure, as well as construction, maintenance, operation, repair, decommissioning, and reclamation of oil and gas gathering, transmission, and distribution pipeline infrastructure within Oklahoma.

Permit TE49742B

Applicant: BP America Production Co., Houston, TX.

Applicant requests an amended permit for oil and gas upstream and midstream production, including geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning of oil and gas well field infrastructure, as well as construction, maintenance, operation, repair, decommissioning, and reclamation of oil and gas gathering, transmission, and distribution pipeline infrastructure within Oklahoma.

Permit TE51520B

Applicant: Bravo Arkoma, LLC, Tulsa, OK.

Applicant requests an amended permit for oil and gas upstream and midstream production, including geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning of oil and gas well field infrastructure, as well as construction, maintenance, operation, repair, decommissioning, and reclamation of oil and gas gathering, transmission, and distribution pipeline infrastructure within Oklahoma.

Permit TE55794B

Applicant: ONE GAS, Inc., Tulsa, OK.

Applicant requests an amended permit for oil and gas upstream and midstream production, including geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning of oil and gas well field infrastructure, as well as construction, maintenance, operation, repair, decommissioning, and reclamation of oil and gas gathering, transmission, and distribution pipeline infrastructure within Oklahoma.

Permit TE60265B

Applicant: White Star Energy, LLC, Oklahoma City, OK.

Applicant requests an amended permit for oil and gas upstream and midstream production, including geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning of oil and gas well field infrastructure, as well as construction, maintenance, operation, repair, decommissioning, and reclamation of oil and gas gathering, transmission, and distribution pipeline infrastructure within Oklahoma.

Permit TE78500B

Applicant: Chesapeake Energy Corp., Oklahoma City, OK.

Applicant requests an amended permit for oil and gas upstream and midstream production, including geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning of oil and gas well field infrastructure, as well as construction, maintenance, operation, repair, decommissioning, and reclamation of oil and gas gathering, transmission, and distribution pipeline infrastructure within Oklahoma.

Permit TE92748B

Applicant: Diamond Pipeline, LLC, Houston, TX.

Applicant requests a new permit for oil and gas upstream and midstream production, including geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning of oil and gas well field infrastructure, as well as construction, maintenance, operation, repair, decommissioning, and reclamation of oil and gas gathering, transmission, and distribution pipeline infrastructure within Oklahoma.

Public Availability of Comments

Written comments we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will not consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10(c) of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Dated: April 13, 2016.

Joy E. Nicholopoulos,

Acting Regional Director, Southwest Region.

[FR Doc. 2016–09249 Filed 4–20–16; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–20790; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before April 2, 2016, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by May 6, 2016.

ADDRESSES: Comments may be sent via U.S. Postal Service to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before April 2, 2016. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

FLORIDA

Escambia County

Marzoni House, 714 La Rua St., Pensacola, 16000245

GEORGIA

Haralson County

Tallapoosa Commercial Historic District, Centered on US 78, Head Ave., Odessa St. and RR., Tallapoosa, 16000246

IOWA

Bremer County

Sturdevant Southwest Historic District, Roughly bounded by 1st & 8th Sts. SW., 1st & 5t Aves. SW., W. Bremer Ave. & Cedar R., Waverly, 16000248

Scott County

Davenport Bank and Trust (Boundary Increase), 203 & 229 W. 3rd St., Davenport, 16000249

MARYLAND

Caroline County

Federalsburg West Historic District, Roughly bounded by Railroad, University & Bloomingdale Aves., Denton & Idlewild Rds. & Marshyhope Creek, Federalsburg, 16000250

MASSACHUSETTS

Worcester County

Beaman Memorial Public Library, 8 Newton St., West Boylston, 16000251

NEW JERSEY

Mercer County

Camden and Amboy Railroad Right of Way Site, N. side of Rogers Ave. about 100 yds. W. of Mercer St., Hightstown Borough, 16000252

NEW YORK

Dutchess County

Attlebury Schoolhouse, 6917 NY 82, Stanford, 16000253

Kings County

Beth Olam Cemetery, 2 Cypress Hills St., Brooklyn, 16000254

New York County

Calvary Methodist Episcopal Church, 211 W. 129th St., 2190 Adam Clayton Powell, Jr. Blvd., New York, 16000255

Ulster County

Fitch Bluestone Company Office, 532–574 Abeel St., Kingston, 16000256

PENNSYLVANIA

Philadelphia County

Tacony Disston Community Development Historic District, Roughly bounded by 4500–4900 blks. of Magee St., Princeton & Tyson Aves., 6900 blk. of Cottage St., Philadelphia, 16000257

SOUTH DAKOTA

Meade County

Black Hills National Cemetery, 20901 Pleasant Valley Dr., Sturgis, 16000258

VIRGINIA

Charlottesville Independent City

Foster Site, The, 1540 Jefferson Park Ave., Charlottesville (Independent City), 16000259

Hanover County

Tavern at Old Church, The, 3350–3360 Old Church Rd., Mechanicsville, 16000260

Lynchburg Independent City

Court House Hill—Downtown Historic District (Boundary Increase II), 300 & 400 blks. 12th, 1200 blk. Church, 1000 blk. Main, 1001 Commerce & 1300 Court Sts., Lynchburg (Independent City), 16000261

Roanoke County

Cook, Roland E., Elementary School, 412 S. Poplar St., Vinton, 16000262

Roanoke Independent City

Roanoke City Health Center, 515 8th St. SW., Roanoke (Independent City), 16000263

WYOMING

Sheridan County

Dayton Mercantile, 408 Main St., Dayton, 16000264

Washakie County

Parks, Emerson, House, 504 2nd St., Ten Sleep, 16000265

A request to move has been received for the following resource:

NEW YORK

Broome County

Ross Park Carousel, Ross Park, Binghamton, 91001966

A request for a name change and to move has been received for the following resource:

NORTH CAROLINA

Wake County

Jones, Crabtree, House (Jones Jr., Nathaniel, House), N. of Raleigh off Old Wake Forest Rd., Raleigh, 73001376

A request for removal has been received for the following resources:

OHIO

Huron County

Benedict, Dr. David De Forest, House, 80 Seminary St., Norwalk, 75001439

Lorain County

Bryant, George, House, 333 3rd. St., Elyria, 79002727

Old District Nine Schoolhouse, Chestnut St., Elyria, 79002715

Old St. John's Church 600 W. Broad St., Elyria, 79002721

Muskingum County

Emery, Abram, House, 413 Pershing Rd., Zanesville, 78002160

Authority: 60.13 of 36 CFR part 60.

Dated: April 5, 2016.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2016–09218 Filed 4–20–16; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–20685; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Kansas State Historical Society, Topeka, KS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Kansas State Historical Society has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Kansas State Historical Society. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Kansas State Historical Society at the address in this notice by May 23, 2016.

ADDRESSES: Dr. Robert J. Hoard, Kansas State Historical Society, 6425 SW. 6th Avenue, Topeka, KS 66615, telephone (785) 272–8681 x269, email *rhoard@kshs.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Kansas State Historical Society, Topeka, KS. The human remains and associated funerary objects were removed from somewhere near Port Williams, in Atchison County, KS.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Kansas State Historical Society professional staff in consultation with representatives of the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas.

History and Description of the Remains

In late 1916 or early 1917, human remains representing, at minimum, one individual were removed from an unnamed and unrecorded site somewhere near Port Williams in Atchison County, KS, by George Remsberg, a well-known amateur archeologist. Remsberg reported that he excavated a relatively recent Native American burial in Atchison County, KS, from the Bluma family farm near Walnut Creek, though he does not specify the location. This area was Kickapoo land from 1832 to 1854. The association of a string of glass beads indicated a relatively recent burial. The human remains consist of a cranium and an associated mandible. The cranium was determined to be that of a 20–30 year old male of mixed ancestry. No known individuals were identified. The 168 associated funerary objects are 1 lot of glass beads, 5 chert chips, 1 mussel shell section, 1 stone, 63 non-human skeletal elements, and 97 pottery sherds.

Remsberg sent some materials he collected in Kansas to Wallingford Historical Society in Connecticut in 1917. That institution returned the materials to the Kansas State Historical Society on April 20, 1990.

Determinations Made by the Kansas State Historical Society

Officials of the Kansas State Historical Society have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 1 individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 168 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Robert J. Hoard, Kansas State Historical Society, 6425 SW. 6th Avenue, Topeka, KS 66615, telephone (785) 272–8681 x269, email *rhoard@kshs.org,* by May 23, 2016. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas may proceed.

The Kansas State Historical Society is responsible for notifying the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas that this notice has been published.

Dated: March 22, 2016.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2016–09261 Filed 4–20–16; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–20686; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Kansas State Historical Society, Topeka, KS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Kansas State Historical Society, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Kansas State Historical Society. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or

Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Kansas State Historical Society at the address in this notice by May 23, 2016.

ADDRESSES: Dr. Robert J. Hoard, State Archeologist, Kansas State Historical Society, 6425 SW. 6th Avenue, Topeka, KS 66615–1099, telephone (785) 272–8681 ext. 269, email *rhoard@kshs.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items in the possession of the Kansas State Historical Society that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations within this notice.

History and Description of the Cultural Items

In 1964, artifact collectors excavated 18 cultural items and two human burials at the Doniphan site, 14DP2, in Doniphan County, KS. The human remains were reburied at the site after osteological analysis by the Kansas State Historical Society, but the 18 associated funerary objects, consisting of 5 projectile points, 11 white glass beads, and 2 small metal rings were given to the Kansas State Historical Society. These are identified by the designation UBS 1991–105.

The Doniphan site has long been known to be a Kaw village, though earlier components also are present. It was visited by French Military office Étienne Veniard de Bourgmont in 1724 on his way to visit western tribes. This village also may be the one that appears on the 1718 map by Delisle and noted as ruins by Lewis and Clark in 1805.

Between 1904 and 1935, human remains and 154 artifacts were removed from the Blue Earth site, 14PO24, Pottawatomie County, KS, by Kansas State University faculty member J.V. Cortelyou. In 1956, the human remains and artifacts were donated to the Kansas State Historical Society. The human remains were destroyed by the Kansas State Historical Society in 1957 and 1958, according to an accession book, but the funerary objects were retained. The 154 unassociated funerary objects are 1 disk shell bead, 3 small burned bone fragments, 1 Dentalium bead, 140 shell disk beads, 2 shell pendants/ornaments, 1 drilled stone object, 1 incised stone pipe, and 5 incised bone beads. These are identified by the designation UBS 1991–99.

The Blue Earth Village is shown on a 1795 map by Antoine Soulard and is identified as a Kaw site. It was the principle Kaw village for approximately 30 years. It was partially excavated in 1937 by archaeologist Waldo Wedel and tested by archaeologist John Tomasic of the Kansas State Historical Society in 2012. Both excavations produced material consistent with a Kaw occupation. Zebulon Pike also traded with the Kaw at this location in 1806.

Determinations Made by the Kansas State Historical Society

Officials of the Kansas State Historical Society have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 172 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Kaw Nation, Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Dr. Robert J. Hoard, State Archeologist, Kansas State Historical Society, 6425 SW. 6th Avenue, Topeka, KS 66615–1099, telephone (785) 272–8681 ext. 269, email *rhoard@kshs.org,* by May 23, 2016. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Kaw Nation, Oklahoma may proceed.

The Kansas State Historical Society is responsible for notifying the Kaw Nation, Oklahoma that this notice has been published.

Dated: March 22, 2016.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2016–09262 Filed 4–20–16; 8:45 a.m.]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0018; DS63610000 DR2PS0000.CH7000 167D0102R2]

Notice of Proposed Audit Delegation Renewal for the States of Alaska, California, Colorado, North Dakota, Texas, Utah, and Wyoming

AGENCY: Office of the Secretary, Office of Natural Resources Revenue (ONRR), Interior.

ACTION: Notice.

SUMMARY: The States of Alaska, California, Colorado, North Dakota, Texas, Utah, and Wyoming are requesting that ONRR renew current delegations of audit and investigation authority. This notice gives members of the public an opportunity to review and comment on the States' proposals.

DATES: Submit written comments on or before May 23, 2016.

ADDRESSES: You may submit comments on this notice by any of the following methods:

- Electronically go to *http://www.regulations.gov.* In the entry titled "Enter Keyword or ID," enter ONRR–2011–0018, and then click search. Follow the instructions to submit public comments. ONRR will post all comments.
- Email comments to Luis Aguilar, Regulatory Specialist, at *Luis.Aguilar@onrr.gov.* Please reference the Docket No. ONRR–2011–0018 in your comments.
- Hand-carry comments or use an overnight courier service. Our courier address is Building 85, Room A–614, Denver Federal Center, West 6th Ave. and Kipling St., Denver, Colorado 80225. Please reference the Docket No. ONRR–2011–0018 in your comments.

FOR FURTHER INFORMATION CONTACT: Ms. Heidi Badaracco, State and Tribal Support, State and Indian Coordination, ONRR; telephone (303) 231–3434; or by email at *Heidi.Badaracco@onrr.gov.*

SUPPLEMENTARY INFORMATION: The following officials are the State contacts for their respective proposals:

State	Department	Contact information
Alaska	Division of Oil and Gas	Monica French, 550 West 7th Avenue, Suite 800, Anchorage, AK 99501–5313.
California	State Controller's Office	Elizabeth Gonzalez, 300 Capitol Mall, Suite 518, Sacramento, CO 94250–5874.
Colorado	Colorado Department of Revenue, Mineral Audit Section.	Brenda Petersen, 720 S. Colorado Blvd., Suite 400N, Denver, CO 80246–1968.
North Dakota	State Auditor's Office, Royalty Audit Section.	Dennis Roller, 425 North 5th Street, 3rd Floor, Bismarck, ND 58501–4033.
Texas	Texas General Land Office	Luke Decker, 1700 N. Congress Ave., Suite 640, Austin, TX 78701–1436.
Utah	Utah State Tax Commission	Jennifer Casady, 210 North 1950 West, Salt Lake City, Utah 64134–9000.
Wyoming	WY Dept. of Audit, Mineral Audit Division.	Steve Dilsaver, 122 West 25th Street, Cheyenne, WY 82001–3004.

The States' new agreement application, including proposed budget and work plan, are due April 1, 2016. In accordance with 30 CFR 1227.101(b)(1), the States request that ONRR delegate the royalty management functions of conducting audits and investigations. The States request delegation of these functions for producing Federal oil and gas leases within the State boundaries, as applicable. This is for producing Federal oil and gas leases in the Outer Continental Shelf, subject to revenue sharing under 8(g) of the Outer Continental Shelf Lands Act, 43 U.S.C. 1337(g); and for other producing solid mineral or geothermal Federal leases within the State. The States do not request delegation of royalty and production reporting functions. In addition to audit and investigation authority, the State of Wyoming also requests to renew its authority under 30 CFR 1227.101(b)(2) to issue Orders to Pay, Orders to Perform, and tolling agreements as a result of an audit or compliance review; it also requests to renew its subpoena authority under the Royalty Simplification and Fairness Act related to oil and gas revenues owed to the United States and shared with the State, which are attributable to leased Federal onshore property within the State.

The States have asked ONRR to renew the delegations within the time required by 30 CFR 1227.110(b). The States of Alaska, California, and Utah request 100-percent funding of the delegated functions for a 3-year period beginning July 1, 2016, with the opportunity to extend for an additional 3-year period. The States of Colorado, North Dakota, Texas, and Wyoming request 100-percent funding of the delegated functions for a 3-year period beginning October 1, 2016, with the opportunity to extend for an additional 3-year period. The States have a current audit delegation agreement with ONRR, as shown in the table below:

State	Agreement No.	Term
Alaska	D12AC70003	7/01/2010–6/30/2013, 7/01/2013–6/30/2016.
California	D12AC70004	7/01/2010–6/30/2013, 7/01/2013–6/30/2016.
Colorado	D12AC70005	10/01/2010–9/30/2013, 10/01/2013–9/30/2016.
North Dakota	D12AC70007	10/01/2010–9/30/2013, 10/01/2013–9/30/2016.
Texas	D12AC70009	10/01/2010–9/30/2013, 10/01/2013–9/30/2016.
Utah	D12AC70010	7/01/2010–6/30/2013, 7/01/2013–6/30/2016.
Wyoming	D12AC70012	10/01/2010–9/30/2013, 10/01/2013–9/30/2016.

Therefore, ONRR has determined that we will not hold a formal hearing for comments under 30 CFR 1227.105.

Dated: April 6, 2016.

Gregory J. Gould,

Director, Office of Natural Resources Revenue.

[FR Doc. 2016–09217 Filed 4–20–16; 8:45 am]

BILLING CODE 4335–30–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR04073000, XXXR4081X3, RX.05940913.7000000]

Glen Canyon Dam Adaptive Management Work Group Notice of Public Meeting

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: The Glen Canyon Dam Adaptive Management Work Group (AMWG) makes recommendations to the Secretary of the Interior concerning Glen Canyon Dam operations and other management actions to protect resources downstream of Glen Canyon Dam consistent with the Grand Canyon Protection Act. The AMWG meets two to three times a year.

DATES: The May 25, 2016, AMWG WebEx/conference call will begin at 11:00 a.m. (EDT), 9:00 a.m. (MDT), and 8:00 a.m. (PDT) and conclude three (3) hours in the respective time zones. See call-in information in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Ms. Katrina Grantz, Bureau of Reclamation, telephone (801) 524–3635; facsimile (801) 524–3807; email at *kgrantz@usbr.gov.*

SUPPLEMENTARY INFORMATION: The Glen Canyon Dam Adaptive Management Program (AMP) was implemented as a result of the Record of Decision on the Operation of Glen Canyon Dam Final Environmental Impact Statement to comply with consultation requirements of the Grand Canyon Protection Act (Pub. L. 102–575) of 1992. The AMP includes a Federal advisory committee, the AMWG, a technical work group, a Grand Canyon Monitoring and Research Center, and independent review panels. The technical work group is a subcommittee of the AMWG and provides technical advice and recommendations to the AMWG.

Agenda: The primary purpose of the meeting will be for the AMWG to discuss the Glen Canyon Dam Adaptive Management Budget and Workplan for Fiscal Year 2017 and the 2017 hydrograph. There will also be updates on: (1) The Long-Term Experimental and Management Plan Environmental Impact Statement, and (2) current basin hydrology. The AMWG will discuss other administrative and resource issues pertaining to the GCDAMP. To participate in the WebEx/conference call, please use the following instructions:

1. Go to: This will need to be changed if the date/time changes *https://ucbor-events.webex.com/ucbor-events/onstage/g.php?MTID=e41d62843c7f459f40c6daf75840d7a01.*

2. If requested, enter your name and email address.

3. If a password is required, enter the meeting password: AMWG.

4. Click "Join Now".

Audio Conference Information:

- Phone Number: (877) 913–4721
- Passcode: 3330168
- Event Number: 994 578 626

There will be limited ports available, so if you wish to participate, please contact Linda Whetton at (801) 524–3880 to register.

To view a copy of the agenda and documents related to the above meeting, please visit Reclamation's Web site at: *http://www.usbr.gov/uc/rm/amp/amwg/mtgs/16may25/index.html.* Time will be allowed for any individual or organization wishing to make formal oral comments on the call. To allow for full consideration of information by the AMWG members, written notice must be provided to Katrina Grantz, Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 8100, Salt Lake City, Utah, 84138; telephone (801) 524–3635; facsimile (801) 524–3807; email at *kgrantz@usbr.gov,* at least five (5) days prior to the call. Any written comments received will be provided to the AMWG members.

Public Disclosure of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: March 24, 2016.

Katrina Grantz,

Chief, Adaptive Management Group, Manager, Environmental Resources Division, Upper Colorado Regional Office.

[FR Doc. 2016–09234 Filed 4–20–16; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Quartz Slabs and Portions Thereof DN 3139*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at EDIS,[1] and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at USITC.[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at EDIS.[3] Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Cambria Company LLC on April 14, 2016. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain quartz slabs and portions thereof. The complaint names as respondents Wilsonart LLC of Temple, TX; and Dorado Soapstone LLC of Denver, CO. The complainant requests that the Commission issue a general exclusion order, a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number ("Docket No. 3139") in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures[4]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

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[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[5]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: April 15, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–09211 Filed 4–20–16; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Hybrid Electric Vehicles and Components Thereof DN 3141;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at EDIS,[1] and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at USITC.[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at EDIS.[3] Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Paice LLC and Abell Foundation, Inc. on April 15, 2016. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain hybrid electric vehicles and components thereof. The complaint names as respondents Volkswagen AG of Germany; Volkswagen Group of America, Inc. of Herndon, VA; Dr. Ing. H.C. F. Porsche AG of Germany; Porsche Cars North America, Inc. of Atlanta, GA; Audi AG of Germany; and Audi of America, LLC of Herndon, VA. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number ("Docket No. 3141") in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures).[4] Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[5]

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[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: April 15, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–09223 Filed 4–20–16; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–558]

Nepal: Advice Concerning Whether Certain Textile and Apparel Articles Are Import Sensitive

AGENCY: United States International Trade Commission.

ACTION: Notice of institution of investigation and scheduling of public hearing.

SUMMARY: Following receipt of a request on March 30, 2016 from the United States Trade Representative (USTR), the U.S. International Trade Commission (Commission) instituted investigation No. 332–558, *Nepal: Advice Concerning Whether Certain Textile and Apparel Articles Are Import Sensitive*. The report will provide the advice requested by the USTR.

DATES:

May 23, 2016: Deadline for filing requests to appear at the public hearing.

May 25, 2016: Deadline for filing pre-hearing briefs and statements.

June 9, 2016: Public hearing.

June 14, 2016: Deadline for filing post-hearing briefs and statements.

June 24, 2016: Deadline for filing all other written submissions.

September 29, 2016: Transmittal of Commission report to the USTR.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://www.usitc.gov/secretary/edis.htm*.

FOR FURTHER INFORMATION CONTACT: Information specific to this investigation may be obtained from Andrea Boron, Project Leader, Office of Industries (202–205–3433 or *andrea.boron@usitc.gov*), or Natalie Hanson, Deputy Project Leader, Office of Industries (202–205–2571 or *natalie.hanson@usitc.gov*). For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Web site (*http://www.usitc.gov*). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Background: As noted by the USTR in his request letter, on February 24, 2016, the President signed the Trade Facilitation and Trade Enforcement Act of 2015 (the Act) (Pub. L. 114–125) into law. Section 915 of the Act authorizes the President to establish a trade preference program for Nepal. Prior to determining whether an article is an eligible article for the purposes of the Act, the President is required to receive the advice of the Commission, in accordance with section 503(e) of the Trade Act of 1974 (the 1974 Act) (19 U.S.C. 2463(e)), that the article is not import-sensitive in the context of imports from Nepal.

In his request letter the USTR notified the Commission, under authority delegated to him in accordance with sections 503(a)(1)(A), 503(e), and 131(a) of the 1974 Act, as amended (19 U.S.C. 2463(a)(1)(A), 2463(e), and 2151(a)), that the 66 eight-digit textile and apparel tariff lines identified in Table A of the Annex to his request letter are being considered for designation as eligible articles for purposes of the Act. The USTR requested that the Commission provide its advice as to whether these articles are import-sensitive in the context of imports from Nepal. He asked that this advice include the probable economic effect on total U.S. imports, on U.S. industries producing like or directly competitive articles, and on U.S. consumers of the elimination of U.S. import duties for Nepal on the articles identified in Table A of the Annex to his request letter (see Table A below).

TABLE A—PRODUCTS BEING CONSIDERED FOR DESIGNATION AS ELIGIBLE PRODUCTS FOR NEPAL

HTS subheading	Brief description
4202.11.00	Trunks, suitcases, vanity & all other cases, occupational luggage & like containers, surface of leather, composition or patent leather.
4202.12.20	Trunks, suitcases, vanity and attaché cases, occupational luggage and similar containers, with outer surface of plastics.
4202.12.40	Trunks, suitcases, vanity & attaché cases, occupational luggage & like containers, surfaces of cotton, not of pile or tufted construction.
4202.12.60	Trunks, suitcases, vanity & attaché cases, occupational luggage & like containers, w outer surface of veg. fibers, excl. cotton.
4202.12.80	Trunks, suitcases, vanity & attaché cases, occupational luggage and similar containers, with outer surface of textile materials nesi.
4202.21.60	Handbags, with or without shoulder strap or without handle, with outer surface of leather, composition or patent leather, nesi, n/o $ ea.
4202.21.90	Handbags, with or without shoulder strap or without handle, with outer surface of leather, composition or patent leather, nesi, over $ ea.
4202.22.15	Handbags, with or without shoulder straps or without handle, with outer surface of sheeting of plastics.

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[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov*.

TABLE A—PRODUCTS BEING CONSIDERED FOR DESIGNATION AS ELIGIBLE PRODUCTS FOR NEPAL—Continued

HTS subheading	Brief description
4202.22.40	Handbags with or without shoulder strap or without handle, with outer surface of textile materials, wholly or in part of braid, nesi.
4202.22.45	Handbags with or without shoulder strap or without handle, with outer surface of cotton, not of pile or tufted construction or braid.
4202.22.60	Handbags with or w/o shoulder strap or w/o handle, outer surface of veg. fibers, exc. cotton, not of pile or tufted construction or braid.
4202.22.70	Handbags with or w/o shoulder strap or w/o handle, with outer surface containing % or more of silk, not braided.
4202.22.80	Handbags with or without shoulder strap or without handle, with outer surface of textile materials, nesi.
4202.29.50	Handbags w. or w/o shld. strap or w/o handle of mat. (o/t leather, shtng. of plas., tex. mat., vul. fib. or paperbd.), pap.cov., of mat. nesi.
4202.29.90	Handbags with or without shoulder straps or without handle, with outer surface of vulcanized fiber or of paperboard, not covered with paper.
4202.31.60	Articles of a kind normally carried in the pocket or handbag, with outer surface of leather, composition or patent leather, nesi.
4202.32.40	Articles of a kind normally carried in the pocket or handbag, with outer surface of cotton, not of pile or tufted construction.
4202.32.80	Articles of a kind normally carried in the pocket or handbag, with outer surface of vegetable fibers, not of pile or tufted construction, nesi.
4202.32.95	Articles of a kind normally carried in the pocket or handbag, with outer surface of textile materials, nesi.
4202.91.00	Cases, bags and containers nesi, with outer surface of leather, of composition leather or patent leather.
4202.92.08	Insulated food or beverage bags with outer surface of textile materials, nesoi.
4202.92.15	Travel, sports and similar bags with outer surface of cotton, not of pile or tufted construction.
4202.92.20	Travel, sports and similar bags with outer surface of vegetable fibers, excl. cotton, not of pile construction.
4202.92.30	Travel, sports and similar bags with outer surface of textile materials other than of vegetable fibers.
4202.92.45	Travel, sports and similar bags with outer surface of plastic sheeting.
4202.92.60	Bags, cases and similar containers, nesi, with outer surface of cotton.
4202.92.90	Bags, cases and similar containers nesi, with outer surface of plastic sheeting or of textile materials, excl. cotton.
4202.99.90	Cases, bags and similar containers, nesi, with outer surface of vulcanized fiber or of paperboard.
4203.29.50	Gloves, mittens and mitts of leather or composition leather, nesi, lined, for persons other than men.
5701.10.90	Carpets and other textile floor coverings, of wool or fine animal hair, not hand-hooked, not hand knotted during weaving.
5702.31.20	Carpets and other textile floor coverings of pile construction, woven, not tufted or flocked, not made up, of wool/fine animal hair, nesoi.
5702.49.20	Carpets & other textile floor coverings of pile construction, woven, not tufted or flocked, made up, of other textile materials nesoi.
5702.50.40	Carpets & other textile floor coverings, not of pile construction, woven, not made up, of wool or fine animal hair, nesoi.
5702.50.59	Carpets & other textile floor coverings, not of pile construction, woven, not made up, of other textile materials nesoi.
5702.91.30	Floor coverings, not of pile construction, woven not on power-driven loom, made up, of wool or fine animal hair, nesi.
5702.91.40	Carpets & other textile floor coverings, not of pile construction, woven nesoi, made up, of wool or fine animal hair, nesoi.
5702.92.90	Carpet & other textile floor coverings, not of pile construction, woven, made up, of man-made textile materials, nesi.
5702.99.15	Carpets and other textile floor coverings, not of pile construction, woven, made up, of cotton, nesoi.
5703.10.20	Hand-hooked carpets and other textile floor coverings, tufted, whether or not made up, of wool or fine animal hair.
5703.10.80	Carpets and other textile floor coverings, tufted, whether or not made up, of wool or fine animal hair, nesoi.
5703.90.00	Carpets and other textile floor coverings, tufted, whether or not made up, of other textile materials nesoi.
5705.00.20	Carpets and other textile floor coverings, whether or not made up, nesoi.
6117.10.60	Shawls, scarves, mufflers, mantillas, veils and the like, nesoi.
6117.80.85	Headbands, ponytail holders & similar articles, of textile materials other than containing % or more by weight of silk, knitted/crocheted.
6214.10.10	Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, containing % or more silk or silk waste.
6214.10.20	Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, containing less than % silk or silk waste.
6214.20.00	Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, of wool or fine animal hair.
6214.40.00	Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, of artificial fibers.
6214.90.00	Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, of textile materials nesoi.
6216.00.80	Gloves, mittens and mitts, not knitted or crocheted, of wool or fine animal hair, nesoi.
6217.10.85	Headbands, ponytail holders and similar articles, of textile materials containing < % by weight of silk, not knit/crochet.
6301.90.00	Blankets and traveling rugs, nesoi.
6308.00.00	Needlecraft sets for making up into rugs, etc., consist of woven fabric and yarn, whether/not w/accessories, put up packings for retail sale.
6504.00.90	Hats and headgear, plaited or assembled from strips of any material (o/than veg. fibers/unspun fibrous veg. materials and/or paper yarn).
6505.00.08	Hats and headgear made from hat forms and hat bodies of, except of fur felt.
6505.00.15	Hats and headgear, of cotton and/or flax, knitted.
6505.00.20	Headwear, of cotton, not knitted; certified hand-loomed and folklore hats & headgear, of cotton or flax, not knitted.
6505.00.25	Hats and headgear, of cotton or flax, not knitted, not certified hand-loomed folklore goods.
6505.00.30	Hats and headgear, of wool, knitted or crocheted or made up from knitted or crocheted fabric.
6505.00.40	Hats and headgear, of wool, made up from felt or of textile material, not knitted or crocheted or made up from knitted or crocheted fabric.
6505.00.50	Hats and headgear, of man-made fibers, knitted or crocheted or made up from knitted or crocheted fabric, wholly or in part of braid.
6505.00.60	Hats and headgear, of man-made fibers, knitted or crocheted or made up from knitted or crocheted fabrics, not in part of braid.
6505.00.80	Hats and headgear, of man-made fibers, made up from felt or of textile material, not knitted or crocheted, not in part of braid.
6505.00.90	Hats and headgear, of textile materials (other than of cotton, flax, wool or man-made fibers), nesoi.
6506.99.30	Headgear, nesoi, of furskin, whether or not lined or trimmed.

TABLE A—PRODUCTS BEING CONSIDERED FOR DESIGNATION AS ELIGIBLE PRODUCTS FOR NEPAL—Continued

HTS subheading	Brief description
6506.99.60	Headgear (other than safety headgear), nesoi, of materials other than rubber, plastics, or furskins, whether or not lined or trimmed.

As requested, to the extent possible, the Commission will provide its advice and statistics separately and individually for each U.S. Harmonized Tariff Schedule subheading for all products subject to the request. The USTR indicated that those sections of the Commission's report and working papers that contain the Commission's advice and assessment will be classified as "confidential." The USTR also stated that his office considers the Commission's report to be an inter-agency memorandum that will contain pre-decisional advice and be subject to the deliberative process privilege.

The Commission has instituted the investigation under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) in order to facilitate the filing and inspection of written submissions and also to make the report a part of an established Commission reporting series. As requested by the USTR, the Commission will provide its report to the USTR containing the requested advice by September 29, 2016. The USTR asked that the Commission issue a public version of the report as soon as possible thereafter, containing only the unclassified information, with any confidential business information deleted.

Public Hearing: A public hearing in connection with this investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC, beginning at 9:30 a.m. on Thursday June 9, 2016. Requests to appear at the public hearing should be filed with the Secretary no later than 5:15 p.m., May 23, 2016. All pre-hearing briefs and statements should be filed no later than 5:15 p.m., May 25, 2016; and all post-hearing briefs and statements should be filed no later than 5:15 p.m., June 14, 2016. All requests to appear, and pre- and post-hearing briefs and statements should be filed by the above dates but otherwise in accordance with the requirements of the "written submissions" section below.

Written Submissions: In lieu of or in addition to appearing at the hearing, interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary. Except for requests to appear and pre- and post-hearing briefs, all written submissions should be received not later than 5:15 p.m., June 24, 2016. All written submissions must conform to the provisions of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8). Section 201.8 and the Commission's *Handbook on Filing Procedures* require that interested parties file documents *electronically* on or before the filing deadline and submit eight (8) true paper copies by 12:00 p.m. eastern time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802).

Any submissions that contain confidential business information must also conform to the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the "confidential" or "non-confidential" version, and that the confidential business information is clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

Disclosure of Confidential Business Information: The Commission may include some or all of the confidential business information submitted in the course of this investigation in the report it sends to the USTR. Additionally, all information, including confidential business information, submitted in this investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel (a) for cybersecurity purposes or (b) in monitoring user activity on U.S. government classified networks. The Commission will not otherwise disclose any confidential business information in a manner that would reveal the operations of the firm supplying the information.

Summaries of Written Submissions: The Commission intends to publish summaries of the positions of interested persons. Persons wishing to have a summary of their position included in the report should include a summary with their written submission. The summary may not exceed 500 words, should be in MSWord format or a format that can be easily converted to MSWord, and should not include any confidential business information. The summary will be published as provided if it meets these requirements and is germane to the subject matter of the investigation. The Commission will identify the name of the organization furnishing the summary and will include a link to the Commission's Electronic Document Information System (EDIS) where the full written submission can be found.

By order of the Commission.

Issued: April 15, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–09182 Filed 4–20–16; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Sleep-Disordered Breathing Treatment Systems and Components Thereof DN 3140;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's

Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at EDIS,[1] and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at USITC.[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at EDIS.[3] Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of ResMed Corp; ResMed Inc. and ResMed Ltd. on April 14, 2016. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain sleep-disordered breathing treatment systems and components thereof. The complaint names as respondents BMC Medical Co., Ltd. of China; 3B Medical, Inc. of Lake Wales, FL; and 3B Products, L.L.C. of Lake Wales, FL. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number ("Docket No. 3140") in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures[4]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[5]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: April 15, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–09212 Filed 4–20–16; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Ibem R. Borges, M.D.; Decision and Order

On October 14, 2015, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Ibem R. Borges, M.D. (Respondent), of Orlando, Florida. GX 1. The Show Cause Order proposed the revocation of Respondent's DEA Certificate of Registration BB3166053, pursuant to which he is authorized to dispense controlled substances in schedules II though V as a practitioner, and the denial of any application to renew or modify this registration, as well as any application for any other DEA registration, on the ground that Respondent does "not have authority to handle controlled substances in Florida, the State in which [he is] registered with the DEA." *Id.* at 1.

The Show Cause Order specifically alleged that effective November 8, 2013, the Florida Department of Health issued an "Order of Emergency Restriction of License" to Respondent, which prohibits him from prescribing controlled substances in schedules II through IV. *Id.* The Show Cause Order also alleged that Respondent "do[es] not have a Florida dispensing license, which is an additional license required [by the State] before a physician is authorized to order and directly dispense or administer controlled substances." *Id.* The Show Cause Order thus alleged that Respondent "do[es] not have authority in Florida to order, dispense, prescribe or administer any controlled substances in Schedules II through IV," and that the Agency "must revoke [his] DEA registrations [sic] based upon [his] lack of authority to handle controlled substances in the State of Florida for Schedules II through IV." *Id.* (citing 21 U.S.C. 802(21), 823(f) and 824(a)(3)).

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[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

The Show Cause Order also notified Respondent of his right to request a hearing on the allegations or to submit a written statement in lieu of a hearing, the procedure for electing either option, and the consequence for failing to elect either option. *Id.* at 2 (citing 21 CFR 1301.43).

On October 22, 2015, a DEA Diversion Investigator (DI) served the Order to Show Cause by certified mail, return receipt requested, addressed to Respondent at his personal residence. GX 3, at 1 (Declaration of DI). On November 6, 2015, the DI received back the USPS return receipt card; however, while the card bore Respondent's signature, it was dated "2/29/15." *Id.; see also* GX 4, at 1. The DI then obtained the USPS tracking record for the delivery, which revealed that the Show Cause Order was delivered on October 29, 2015. GX 3, at 1; GX 4, at 2.

On November 9, 2015, the DEA Office of Administrative Law Judges received a letter from an attorney stating that he represented Respondent; the letter was addressed to the Deputy Assistant Administrator, care of the Hearing Clerk, and used the mailing address of the Office of Administrative Law Judges. GXs 5 and 6. Thereafter, the Chief Administrative Law Judge (CALJ) sent a letter to Respondent's attorney stating that because the latter had not requested a hearing, his Office was not authorized to take any further action. GX 6.

The Government subsequently filed a Request for Final Agency Action along with various documents submitted as the Investigative Record, including the letter from Respondent's attorney. Based on Respondent's failure to request a hearing in his letter, I find that Respondent has waived his right to a hearing on the allegations of the Show Cause Order. 21 CFR 1301.43(d). However, I have treated the letter of Respondent's Counsel as his written statement of position and made it a part of the record. *Id.* § 1301.43(c). Having considered the entire record, I issue this Decision and Final Order, *id.* § 1301.43(e), and make the following findings of fact.

Findings

Respondent is the holder of DEA Certificate of Registration BB3166053, pursuant to which he is authorized to dispense controlled substances in schedules II through V, at the registered address of Pain Free Clinic & More, 1800 W. Oakridge Rd., Orlando, Florida. GX 2. Respondent's registration does not expire until July 31, 2016. *Id.*

On November 8, 2013, the Florida Department of Health (DOH) issued an Order of Emergency Restriction of License (Order) to Respondent. The Order restricted Respondent's medical license by prohibiting him from prescribing any medications listed in schedules II, III or IV, as set forth in section 893.03 of the Florida Statutes.[1] GX 8, at 28. In its Order, the DOH found that Respondent: (1) "prescribed, dispensed, administered, mixed or otherwise prepared a legend drug, other than in the course of his professional practice" to an undercover officer, by excessively and inappropriately prescribing controlled substances; (2) "failed to keep legible medical records that justif[ied] the course of treatment of" the undercover officer, by "[f]ailing to document a complete medical history; and/or . . . [f]ailing to document a complete physical examination results"; and (3) "failed to comply with the applicable standards for the use of controlled substances for pain control." GX 8, at 23–27 (citing Fla. Stat. §§ 458.331(1)(q); 458.331(1)(m); 458.331(1)(nn) (2012–2013); Fla. Admin. Code. r. 64B8–9.013(3)).

Under Florida law, physicians are required to be registered as "a dispensing practitioner" in order to directly dispense a controlled substance.[2] Fla. Stat. § 465.0276. The record includes a letter from the Florida Department of Health which states that Respondent is not registered as a dispensing practitioner. GX 9.

A review of the Department of Health Web site shows that while Respondent's license is in an active status, the emergency prohibition against his prescribing of any medications listed in schedules II, III, or IV of Fla. Stat. § 893.03 remains in effect.[3]

Based on the above, I find that the only authority Respondent currently possesses under Florida law is the authority to prescribe controlled substances in schedule V.

In his written statement of position, Respondent does not dispute this. Indeed, he "recognizes that his DEA registration for the prescription of [s]chedules II, III, and IV [c]ontrolled [s]ubstances is subject to revocation in the immediate future." GX 5, at 1. However, he "reserves his right to prescribe [s]chedule V [c]ontrolled [s]ubstances." *Id.* He further requests that he be "permitted to retain and renew his basic DEA registration and his ability to prescribe Class V pharmaceuticals as this would permit him to renew or expand the scope of his prescribing should he be acquitted of the pending criminal charges and otherwise fulfil [sic] the DEA requirements for registration." GX 5, at 1.

In addition to the foregoing, I take official notice that court records from the Osceola County Circuit Court indicate that Respondent has been charged with racketeering, conspiracy to engage in racketeering, three counts of trafficking oxycodone, and manslaughter, and faces a jury trial on June 6, 2016.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823, "upon a finding that the registrant . . . has had his State license . . . suspended [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances." Moreover, Congress has defined "the term 'practitioner' [to] mean[] a . . . physician . . . or other person licensed, registered or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Likewise, the CSA conditions the granting of a practitioner's application on his/her possession of authority to dispense controlled substances under state law. *See* 21 U.S.C. 823(f) (''The Attorney General shall register practitioners . . . to dispense . . . controlled substances . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.''). Of further note, the CSA defines the term ''dispense'' as meaning ''to deliver a controlled substance to an ultimate user . . . *by, or pursuant to the lawful order* of, a practitioner.'' *Id.* § 802(10) (emphasis added).

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[1] The factual basis of the DOH's Order was Respondent's prescribing of oxycodone 30 mg and morphine sulfate 30 mg to an undercover officer on multiple occasions, ignoring "the most basic standards for the use of controlled substances for the treatment of pain as directed by the Board of Medicine's written standards found in Rule 64B8–9.013 [of] the Florida Administrative Code." GX 8, at 18 (int. quotations omitted).

[2] This provision, however, prohibits even a properly registered practitioner from dispensing a schedule II or III controlled substance except for in limited situations. Fla. Stat. 465.027(1)(b).

[3] Under the Administrative Procedure Act (APA), an agency "may take official notice of facts at any stage in a proceeding—even in the final decision." U.S. Dept. of Justice, *Attorney General's Manual on the Administrative Procedure Act* 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). In accordance with the APA and DEA's regulations, Respondent is "entitled on timely request to an opportunity to show to the contrary." 5 U.S.C. 556(e); *see also* 21 CFR 1316.59(e). To allow Respondent the opportunity to refute the facts of which I take official notice, Respondent may file a motion for reconsideration within ten calendar days of service of this order which shall commence on the date this order is mailed.

Thus, the Agency has repeatedly held that the possession of authority to dispense controlled substances under the laws of the State in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *See, e.g., James L. Hooper,* 76 FR 71371 (2011), *pet. for rev. denied,* 481 Fed Appx. 826 (4th Cir. 2012). And because a practitioner's authority under the CSA is based on his/her authority to dispense controlled substances under the laws of the State in which he practices, the Agency has further held that ''to the extent a practitioner is not authorized under state law to dispense certain categories or schedules of controlled substances, he can no longer lawfully dispense them under federal law.'' *Kenneth Harold Bull,* 78 FR 62666, 62672 (2013).

In *Bull,* a case in which the practitioner's state board had prohibited him from prescribing narcotics, the Agency explained that ''where a state board takes such action, at a minimum, a practitioner's CSA registration must be limited to authorize the dispensing of only those controlled substances, which he can lawfully dispense under state law.'' *Id.* at 62672. Here, the Florida Department of Health has suspended Respondent's authority to prescribe any medications listed in schedules II, III, or IV of the Florida schedules of controlled substances, and under Florida law, Respondent is limited to prescribing only those controlled substances in schedule V.[4] Accordingly, I will order that Respondent's registration shall be restricted to prohibit him from dispensing controlled substances in schedules II through IV and to authorize only the prescribing of schedule V controlled substances.

The conduct giving rise to the criminal charges for racketeering activity, unlawful distribution of controlled prescription drugs, and manslaughter related to drug overdose deaths could serve as the basis for a request for total revocation based on public interest grounds (or, in the event of a conviction, based upon a conviction of a felony related to controlled substances). 21 U.S.C. 824(a)(2) and (4). The Order to Show Cause before me is based solely upon Respondent's lack of state authority to handle certain controlled substances. This Order is constrained by the basis set forth in the Order to Show Cause, and I will only consider Respondent's alleged criminal conduct if and when he is served with an Order to Show Cause why his registration should not be revoked in total based on public interest grounds, and he is given the opportunity to address that allegation.

Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration BB3166053, issued to Ibem R. Borges, M.D., be, and it hereby is, restricted to prohibit the dispensing of controlled substance in schedules II through IV and to authorize only the prescribing of controlled substances in schedule V of the Controlled Substances Act (21 CFR 1308.15). This Order is effective immediately.

Dated: April 5, 2016.

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2016–09274 Filed 4–20–16; 8:45 am]

BILLING CODE 4410–09–P

EXECUTIVE OFFICE OF THE PRESIDENT

Office of National Drug Control Policy

Designation of Two Counties as High Intensity Drug Trafficking Areas

AGENCY: Office of National Drug Control Policy, Executive Office of the President.

ACTION: Notice of HIDTA Designations.

SUMMARY: The Director of the Office of National Drug Control Policy designated two additional counties as High Intensity Drug Trafficking Areas (HIDTA) pursuant to 21 U.S.C. 1706. The new counties are Austin and Walker Counties in Texas as part of the Houston HIDTA.

FOR FURTHER INFORMATION CONTACT: Questions regarding this notice should be directed to Michael K. Gottlieb, Associate Director, Programs Office, Office of National Drug Control Policy, Executive Office of the President, Washington, DC 20503; (202) 395–4868.

Dated: March 23, 2016.

Michael Passante,

Deputy General Counsel.

[FR Doc. 2016–09230 Filed 4–20–16; 8:45 am]

BILLING CODE 3280–F5–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by May 23, 2016. This application may be inspected by interested parties at the Permit Office, address below.

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[4] Have reviewed the schedules of controlled substances under Florida law, I conclude that they are coterminous with those of the CSA with the exception of buprenorphine, which under Florida law, is a schedule V controlled substance. While buprenorphine was formerly a schedule V drug under the CSA, in 2002, the drug was placed in schedule III following the Department of Health and Human Services' reevaluation of the drug's ''abuse potential and dependence profile in light of numerous scientific studies and years of human experience with [the] drug.'' *Schedules of Controlled Substances: Rescheduling of Buprenorphine From Schedule V to Schedule III,* 67 FR 62354 (2002) (final rule). Thus, this Agency has determined that the drug ''has a potential for abuse less than the drugs or other substances in schedules I and II,'' that it ''has a currently accepted medical use in treatment in the United States,'' and most importantly, that ''[a]buse of the drug . . . may lead to moderate or low physical dependence or high psychological dependence.'' 21 U.S.C. 812(b)(3); *see also* 67 FR at 62367.

Notably, Florida has adopted the same criteria for placing a drug in its schedule III as the CSA uses, *see* Fla. Stat. 893.03(3), and the State has determined that Respondent's ''continued, unrestricted practice of medicine poses an immediate serious danger to the public health, safety or welfare,'' and concluded, *inter alia,* that he cannot safely prescribe controlled substances in schedule III. GX 8, at 20; *see also id.* at 28. I therefore hold that notwithstanding that buprenorphine remains a schedule V drug under Florida law and that the scope of his federal authority derives from his authority under state law, the placement of the drug in schedule III of the CSA precludes him from lawfully prescribing the drug under his DEA registration.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Division of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, at the above address or *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

Permit Application: 2017–001

1. *Applicant:* Kristin M. O'Brien, Institute of Arctic Biology, P.O. Box 757000, Fairbanks, AK 99775–7000.

Activity for Which Permit Is Requested

ASPA Entry. This applicant will fish using benthic trawls and fish traps/pots in the Antarctic Peninsula area for capturing specimens to support studies of the physiology and biochemistry of Antarctic fishes with an emphasis on Channichthyid fishes. Collection of specimens will be carried out aboard the ARSV Laurence M. Gould and live specimens will be transported to aquarium facilities at Palmer Station for research purposes. Benthic Otter trawling will be restricted to areas with smooth bottom surfaces. The applicant plans to collect a total of 200–300 fish specimens from about 15 species. Tissue samples will be transported to the home institution.

Location

APSA 152, Western Bransfield Strait; ASPA 153 Eastern Dallmann Bay.

Dates

March 1–August 30, 2017.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2016–09250 Filed 4–20–16; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) Meeting of the ACRS Subcommittee on Reliability and PRA; Notice of Meeting

The ACRS Subcommittee on Reliability and PRA will hold a meeting on May 4, 2016, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, May 4, 2016—8:30 a.m. Until 12:00 p.m.

The Subcommittee will discuss the draft guidance for human reliability analysis and probabilistic risk assessment on treatment of scenarios that require main control room abandonment in response to a fire event. The Subcommittee will hear presentations by and hold discussions with the NRC staff and interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), John Lai (Telephone 301–415–5197 or Email: *John.Lai@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 21, 2015 (80 FR 63846).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: April 12, 2016.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2016–09254 Filed 4–20–16; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2016–121 and CP2016–154; Order No. 3244]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the addition of Priority Mail Contract 206 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 25, 2016.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30-.35, the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 206 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. Request, Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2016–121 and CP2016–154 to consider the Request pertaining to the proposed Priority Mail Contract 206 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than April 25, 2016. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Natalie R. Ward to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2016–121 and CP2016–154 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Natalie R. Ward is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than April 25, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–09278 Filed 4–20–16; 8:45 am]

BILLING CODE 7710–FW–P

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[1] Request of the United States Postal Service to Add Priority Mail Contract 206 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, April 15, 2016 (Request).

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2015–125; Order No. 3243]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning a modification to an existing Global Expedited Package Services 3 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 25, 2016.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Filing
III. Ordering Paragraphs

I. Introduction

On April 14, 2016, the Postal Service filed notice that it has agreed to a modification to the existing Global Expedited Package Services 3 negotiated service agreement approved in this docket.[1] In support of its Notice, the Postal Service includes a redacted copy of the Modification and a certification of compliance with 39 U.S.C. 3633(a), as required by 39 CFR 3015.5.

The Postal Service also filed the unredacted Modification, the unredacted certification, and the supporting financial information under seal. The Postal Service seeks to incorporate by reference the Application for Non-Public Treatment originally filed in this docket for the protection of information that it has filed under seal. Notice at 1–2.

The Modification allows the customer to make use of Priority Mail Express International service and amends Annex 1 of the agreement. *Id.* at 1.

The Postal Service intends for the Modification to become effective May 1, 2016. *Id.* The Postal Service asserts that the Modification will not impair the ability of the contract to comply with 39 U.S.C. 3633. *Id.* Attachment 2 at 1.

II. Notice of Filing

The Commission invites comments on whether the changes presented in the Postal Service's Notice are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than April 25, 2016. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Curtis E. Kidd to represent the interests of the general public (Public Representative) in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission reopens Docket No. CP2015–125 for consideration of matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, the Commission appoints Curtis E. Kidd to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments are due no later than April 25, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register.**

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–09240 Filed 4–20–16; 8:45 am]

BILLING CODE 7710–FW–P

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[1] Notice of the United States Postal Service of Filing Modification One to Global Expedited Package Services 3 Negotiated Service Agreement, April 14, 2016 (Notice). The modification is an attachment to the Notice (Modification).

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2016–151; Order No. 3240]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning notice to enter into an additional Global Expedited Package Services 3 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 22, 2016.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://*

www.prc.gov. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

On April 14, 2016, the Postal Service filed notice that it has entered into an additional Global Expedited Package Services 3 (GEPS 3) negotiated service agreement (Agreement).[1]

To support its Notice, the Postal Service filed a copy of the Agreement, a copy of the Governors' Decision authorizing the product, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket No. CP2016–151 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than April 22, 2016. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Katalin K. Clendenin to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2016–151 for consideration of the matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, Katalin K. Clendenin is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).

3. Comments are due no later than April 22, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–09193 Filed 4–20–16; 8:45 am]

BILLING CODE 7710–FW–P

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[1] Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, April 14, 2016 (Notice).

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2016–13; Order No. 3241]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning a modification to an existing Global Expedited Package Services 3 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 22, 2016.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Filings
III. Ordering Paragraphs

I. Introduction

On April 14, 2016, the Postal Service filed notice that it has agreed to a modification to the existing Global Expedited Package Services 3 negotiated service agreement approved in this docket.[1] In support of its Notice, the Postal Service includes a redacted copy of the Modification and a certification of compliance with 39 U.S.C. 3633(a), as required by 39 CFR 3015.5.

The Postal Service also filed the unredacted Modification and supporting financial information under seal. The Postal Service seeks to incorporate by reference the Application for Non-Public Treatment originally filed in this docket for the protection of information that it has filed under seal. Notice at 1–2.

The Modification allows the customer to use Priority Mail Express International service under the agreement, revises the customer's minimum commitment, and amends Annex 1 of the agreement. *Id.* at 1; *see id.* Attachment 1.

The Postal Service intends for the Modification to become effective May 1, 2016. Notice at 1. The Postal Service asserts that the Modification will not impair the ability of the contract to comply with 39 U.S.C. 3633. *Id.* Attachment 2.

II. Notice of Filings

The Commission invites comments on whether the changes presented in the Postal Service's Notice are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than April 22, 2016. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Curtis E. Kidd to represent the interests of the general public (Public Representative) in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission reopens Docket No. CP2016–13 for consideration of matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, the Commission appoints Curtis E. Kidd to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments are due no later than April 22, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–09194 Filed 4–20–16; 8:45 am]

BILLING CODE 7710–FW–P

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[1] Notice of the United States Postal Service of Filing Modification One to Global Expedited Package Services 3 Negotiated Service Agreement, April 14, 2016 (Notice). The modification is an attachment to the Notice (Modification).

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2016–122 and CP2016–155; Order No. 3245]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the addition of Priority Mail Contract

207 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 25, 2016.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30–.35, the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 207 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. Request, Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2016–122 and CP2016–155 to consider the Request pertaining to the proposed Priority Mail Contract 207 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than April 25, 2016. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Katalin K. Clendenin to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2016–122 and CP2016–155 to consider the matters raised in each docket.
2. Pursuant to 39 U.S.C. 505, Katalin K. Clendenin is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).
3. Comments are due no later than April 25, 2016.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–09280 Filed 4–20–16; 8:45 am]

BILLING CODE 7710–FW–P

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[1] Request of the United States Postal Service to Add Priority Mail Contract 207 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, April 15, 2016 (Request).

POSTAL REGULATORY COMMISSION

[Docket No. CP2016–153; Order No. 3247]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning notice to enter into an additional Global Expedited Package Services 3 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 25, 2016.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

On April 15, 2016, the Postal Service filed notice that it has entered into an additional Global Expedited Package Services 3 negotiated service agreement (Agreement).[1]

To support its Notice, the Postal Service filed a copy of the Agreement, a copy of the Governors' Decision authorizing the product, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket No. CP2016–153 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than April 25, 2016. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Jennaca D. Upperman to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2016–153 for consideration of the matters raised by the Postal Service's Notice.
2. Pursuant to 39 U.S.C. 505, Jennaca D. Upperman is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).
3. Comments are due no later than April 25, 2016.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–09282 Filed 4–20–16; 8:45 am]

BILLING CODE 7710–FW–P

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[1] Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, April 15, 2016 (Notice).

POSTAL REGULATORY COMMISSION

[Docket No. CP2016–152; Order No. 3246]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning notice to enter into an additional International Business Reply Service Competitive Contract 3 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 25, 2016.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

On April 15, 2016, the Postal Service filed notice that it has entered into an additional International Business Reply Service Competitive Contract 3 negotiated service agreement (Agreement).[1]

To support its Notice, the Postal Service filed a copy of the Agreement, a copy of the Governors' Decision authorizing the product, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket No. CP2016–152 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than April 25, 2016. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Curtis E. Kidd to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2016–152 for consideration of the matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, Curtis E. Kidd is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).

3. Comments are due no later than April 25, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register.**

By the Commission.

Stacy L. Ruble,
Secretary.

[FR Doc. 2016–09281 Filed 4–20–16; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* April 21, 2016.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 15, 2016, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 207 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2016–122, CP2016–155.

Stanley F. Mires,
Attorney, Federal Compliance.

[FR Doc. 2016–09214 Filed 4–20–16; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* April 21, 2016.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 15, 2016, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 206 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2016–121, CP2016–154.

Stanley F. Mires,
Attorney, Federal Compliance.

[FR Doc. 2016–09216 Filed 4–20–16; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77629]

Public Availability of the Securities and Exchange Commission's FY 2014 Service Contract Inventory

AGENCY: Securities and Exchange Commission.

ACTION: Notice.

SUMMARY: In accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010 (Pub. L. 111–117), SEC is publishing this notice to advise the public of the availability of the FY2015 Service Contract Inventory (SCI) and the FY2014 SCI Analysis. The SCI provides information on FY2015 actions over $25,000 for service contracts. The inventory organizes the information by function to show how SEC distributes contracted resources throughout the agency. SEC developed the inventory per the guidance issued on November 5, 2011 by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). OFPP's guidance is available at *http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventories-guidance-11052010.pdf.* The Service Contract Inventory Analysis for FY2014 provides information based on the FY 2014 Inventory. The SEC has posted its inventory, a summary of the inventory and the FY2014 analysis on the SEC's homepage at *http://www.sec.gov/about/secreports.shtml* and *http://www.sec.gov/open*

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[1] Notice of the United States Postal Service Filing of a Functionally Equivalent International Business Reply Service Competitive Contract 3 Negotiated Service Agreement, April 15, 2016 (Notice).

FOR FURTHER INFORMATION CONTACT: Direct questions regarding the service contract inventory to Vance Cathell, Director Office of Acquisitions 202.551.8385 or *CathellV@sec.gov.*

Dated: April 15, 2016.

Brent J. Fields,

Secretary.

[FR Doc. 2016–09202 Filed 4–20–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting; Cancellation

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Thursday, April 21, 2016 at 2:00 p.m.

CHANGES IN THE MEETING: The Closed Meeting scheduled for Thursday, April 21, 2016 at 2:00 p.m., has been cancelled.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: April 18, 2016.

Brent J. Fields,

Secretary.

[FR Doc. 2016–09355 Filed 4–19–16; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77631; File No. SR–BatsEDGX–2016–09]

Self-Regulatory Organizations; Bats EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees as They Apply to the Equities Options Platform

April 15, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 7, 2016, Bats EDGX Exchange, Inc. (the "Exchange" or "EDGX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members[5] and non-members of the Exchange pursuant to Exchange Rules 15.1(a) and (c).

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule for its equity options platform ("EDGX Options") to add a new tier to its existing tiered pricing structure, as further described below.[6]

The Exchange currently offers two pricing tiers under footnotes 1 and 2 of the fee schedule, Customer Volume Tiers and Market Maker Volume Tiers, respectively. Under the tiers, Members that achieve certain volume criteria may qualify for reduced fees or enhanced rebates for Customer[7] and Market Maker[8] orders. The Exchange proposes to add an additional Customer Volume Tier to footnote 1.

Fee code PC and NC are currently appended to all Customer orders in Penny Pilot Securities[9] and Non-Penny Pilot Securities,[10] respectively and result in a standard rebate of $0.01 per contract. The Customer Volume Tiers in footnote 1 consist of five separate tiers, each providing an enhanced rebate to a Member's Customer orders that yield fee codes PC or NC upon satisfying monthly volume criteria required by the respective tier. For instance, pursuant to Customer Volume Tier 1, the lowest volume tier, a Member will receive a rebate of $0.05 per contract where the Member has an ADV[11] in Customer orders equal to or greater than 0.10% of average TCV.[12] Pursuant to Customer Volume Tier 5, the highest volume tier, a Member will receive a rebate of $0.25 per contract where the Member has an ADV in Customer orders equal to or greater than 0.80% of average TCV. To encourage the entry of additional orders to EDGX Options, the Exchange proposes to adopt a new Tier 6 with different qualifying criteria. Specifically, under new Tier 6, the Exchange proposes to provide a rebate of $0.21 per contract where: (1) The Member has an ADV in Customer orders equal to or greater than 0.25% of average TCV; and (2) the Member has an ADV in Market Maker Orders equal to or greater than 0.25% of average TCV.

The Exchange notes that the rebate of $0.21 per contract is the same rebate as Tier 4, which is provided where the Member has an ADV in Customer orders equal to or greater than 0.50% of average TCV. By introducing Tier 6, the

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term "Member" is defined as "any registered broker or dealer that has been admitted to membership in the Exchange." *See* Exchange Rule 1.5(n).

[6] The Exchange initially filed the proposed change on April 1, 2016 (SR–BatsEDGX–2016–08). On April 7, 2016, the Exchange withdrew SR–BatsEDGX–2016–08 and submitted this filing).

[7] The term "Customer" applies to any transaction identified by a Member for clearing in the Customer range at the Options Clearing Corporation ("OCC"), excluding any transaction for a Broker Dealer or a "Professional" as defined in Exchange Rule 16.1.

[8] The term "Market Maker" applies to any transaction identified by a Member for clearing in the Market Maker range at the OCC, where such Member is registered with the Exchange as a Market Maker as defined in Rule 16.1(a)(37).

[9] The term "Penny Pilot Security" applies to those issues that are quoted pursuant to Exchange Rule 21.5, Interpretation and Policy .01.

[10] The term "Non-Penny Pilot Security" applies to those issues that are not Penny Pilot Securities quoted pursuant to Exchange Rule 21.5, Interpretation and Policy .01.

[11] "ADV" means average daily volume calculated as the number of contracts added or removed, combined, per day.

[12] "TCV" means total consolidated volume calculated as the volume reported by all exchanges to the consolidated transaction reporting plan for the month for which the fees apply, excluding volume on any day that the Exchange experiences an Exchange System Disruption and on any day with a scheduled early market close.

Exchange is providing an additional mechanism for a Member to achieve this enhanced rebate. The Exchange also notes that the proposed rebate is intended to encourage the entry of both Customer orders and Market Maker orders by providing a hybrid tier that rewards the entry of both. Although the qualifying criteria includes Market Maker orders, as noted above, the proposed enhanced rebate of $0.21 per contract would only be awarded to a Member's Customer orders that yield fee codes PC or NC upon satisfying the monthly volume criteria (and not such Member's Market Maker orders). Under the Exchange's existing pricing structure, however, a Member qualifying for the tier would qualify for at least Market Maker Volume Tier 3 with respect to such Member's Market Maker orders (resulting in a reduced fee of $0.10 per contract), as the criteria for such tier require an ADV in Market Maker orders equal to or greater than 0.20%.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[13] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[14] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using any facility or system which the Exchange operates or controls.

The Exchange believes its proposed fees and rebates are reasonable, fair and equitable, and non-discriminatory. The Exchange operates in a highly competitive market in which market participants may readily send order flow to many competing venues if they deem fees at the Exchange to be excessive. As a new options exchange, the proposed fee structure remains intended to attract order flow to the Exchange by offering market participants a competitive yet simple pricing structure. At the same time, the Exchange believes it is reasonable to incrementally adopt incentives intended to help to contribute to the growth of the Exchange.

Volume-based rebates such as those currently maintained on the Exchange have been widely adopted by options exchanges and are equitable because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to the value of an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns, and introduction of higher volumes of orders into the price and volume discovery processes. The proposed additional Customer Volume Tier is intended to incentivize Members to send additional Customer orders and Market Maker orders to the Exchange in an effort to qualify for the enhanced rebate made available by the tier.

The Exchange believes that the proposed tier is reasonable, fair and equitable, and non-discriminatory, for the reasons set forth with respect to volume-based pricing generally and because such change will incentivize participants to further contribute to market quality. The proposed tier will provide an additional way for market participants to qualify for enhanced rebates. The Exchange also believes that the proposed tiered pricing structure is consistent with pricing previously offered by the Exchange as well as other options exchanges and does not represent a significant departure from such pricing structures.[15]

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed amendments to its Fee Schedule would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed change represents a significant departure from previous pricing offered by the Exchange or other options exchanges.[16] Rather, the proposal is a competitive proposal that is seeking to further the growth of the Exchange. The Exchange has structured the proposed fees and rebates to attract additional volume in Market Maker and Customer orders, however, the Exchange believes that its pricing for all capacities is competitive with that offered by other options exchanges. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[17] and paragraph (f) of Rule 19b–4 thereunder.[18] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BatsEDGX–2016–09 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BatsEDGX–2016–09. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BatsEDGX–2016–09 and should be submitted on or before May 12, 2016.

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[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(4).

[15] *See, e.g.,* Bats BZX Options Fee Schedule, Footnote 1, Tier 5, which provides an enhanced rebate to Customer orders on BZX Options based on both Customer volume and Market Maker volume. The BZX Options Fee Schedule is available at: *http://www.batsoptions.com/support/fee_schedule/bzx/.*

[16] *Id.*

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Brent J. Fields,

Secretary.

[FR Doc. 2016–09203 Filed 4–20–16; 8:45 am]

BILLING CODE 8011–01–P

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[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77634; File No. SR–ICEEU–2016–004]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change Relating to Additions to Permitted Cover

April 15, 2016.

On February 10, 2016, ICE Clear Europe Limited ("ICE Clear Europe") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] proposed rule changes to provide additional categories of securities, including treasury bills and floating and inflation-linked government bonds (the "Additional Permitted Cover") to ICE Clear Europe to satisfy certain margin requirements. The proposed rule change was published for comment in the **Federal Register** on March 2, 2016.[3] To date, the Commission has not received comments on the proposal.

Section 19(b)(2) of the Act[4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day from the publication of notice of filing of this proposed rule change is April 16, 2016. The Commission is extending the 45-day time period for Commission action on the proposed rule change. In order to provide the Commission with sufficient time to consider the proposed rule change, the Commission finds it is appropriate to designate a longer period within which to take action on the proposed rule change.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates May 31, 2016, as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–ICEEU–2016–004).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Brent J. Fields,

Secretary.

[FR Doc. 2016–09206 Filed 4–20–16; 8:45 am]

BILLING CODE 8011–01–P

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–77234 (Feb. 25, 2015), 81 FR 10949 (Mar. 2, 2016) (SR–ICEEU–2016–004).

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77633; File No. SR–ICC–2016–005]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change To Update and Formalize the ICC Stress Testing Framework

April 15, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b-4 thereunder[2] notice is hereby given that on March 31, 2016, ICE Clear Credit LLC ("ICC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by ICC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed rule change is to update and formalize ICC's Stress Testing Framework.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ICC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

ICC proposes to update and formalize its Stress Testing Framework. The Stress Testing Framework sets forth stress testing practices instituted by ICC, which are focused on ensuring the adequacy of systemic risk protections. The framework is designed to: Articulate the types of stress tests executed and the main purpose of each type of test; describe how stress tests are conducted; define the actual test scenarios currently executed; outline the range of remedial actions available (which, depending on the results, may include enhancements to the risk methodology or certain Clearing Participant ("CP") specific action); and explain how stress test results are used in the governance process.

ICC continues to evolve its stress testing practices for many reasons, including an increase in the number and type of instruments eligible for clearing, and evolution of the CDS market and the cleared portfolios themselves. The stress testing framework helps ICC identify potential weaknesses in the risk management methodology currently used. As such, the framework allows

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

ICC to identify potential model enhancements to the Initial Margin and Guaranty Fund models, as well as identify the need to exercise short term remedies based upon specific CP positions and risk of exposure prior to introduction of model enhancements.

The framework outlines the stress test methodology employed by ICC. During the execution of stress testing, the ICC Risk Department ("Risk Department") applies the standard set of pre-defined Stress Test Scenarios (as defined on the next page) against actual portfolios, sample portfolios derived from currently cleared positions, and expected future portfolios, as appropriate, to generate hypothetical profits or losses. The Risk Department compares the hypothetical losses to the available funds from the Initial Margin requirements and Guaranty Fund contribution related to the selected portfolios. A scenario deficiency is identified in the event that the hypothetical loss exceeds the protection provided by the available collateral assets and mutualization funds. Depending on the plausibility of the stress scenarios and the frequency and severity of any resulting deficiencies, the Risk Department may recommend enhancements to the risk methodology.

ICC utilizes certain predefined scenarios for its stress testing, which fall into three standard categories: (i) Historically observed extreme but plausible market scenarios; (ii) historically observed and hypothetically constructed (forward looking) extreme but plausible market scenarios with a baseline credit event; and (iii) extreme model response tests (collectively, "Stress Test Scenarios"). Discordant scenarios (*i.e.* scenarios under which selected risk factors move in opposite directions; commonly the behavior deviates from historically observed behavior) are applied to certain instruments to account for discordant price moves.

ICC applies the Stress Test Scenarios to a variety of portfolios. Specifically, ICC applies the Stress Test Scenarios to all currently cleared portfolios. The Risk Department may also apply the Stress Test Scenarios to sample portfolios obtained from currently cleared portfolios. The Risk Department may also apply the Stress Test Scenarios to staff-constructed, expected future portfolios, as appropriate, to mimic expected future portfolios upon the launch of new services. In this case, the stress test analysis is presented to and reviewed by the Risk Committee prior to the launch of the new clearing services. ICC may design specific portfolio sets to test the validity of certain model/system assumptions. The stress test results from such expected future portfolio executions are reviewed and analyzed internally, and may be used to support future model initiatives.

ICC also designs stress test analysis directed toward the identification of wrong-way risk in cleared portfolios. For every cleared portfolio, all positions in index risk factors and single name risk factors that exhibit high degree of association with the considered CP are used to create a sub-portfolio which will be subjected to additional stress test analysis. The constructed sub-portfolio is subjected to the same Stress Test Scenarios utilized by ICC.

The framework also describes ICC's reverse stress testing (Guaranty Fund Adequacy Analysis) practices. The purpose of the adequacy analysis is to provide estimates for the level of protection achieved by the clearinghouse via its Initial Margin and Guaranty Fund models. In performing its analysis, ICC considers a combination of adverse price realizations and idiosyncratic credit events associated with reference obligations on which the stress tested CP sold protection. The Stress Testing Framework also describes the correlation sensitivity analysis performed by ICC, based on Monte Carlo simulations, as well as the additional recovery rate sensitivity analysis.

The framework also details how stress testing is utilized in ICC's governance process. ICC maintains a framework to ensure that the Risk Committee and Board are provided the appropriate level of transparency into the Risk Department's stress test results and contemplated methodology changes. Stress testing results are reviewed, at a minimum, by the Risk Department weekly. Additionally, stress testing results are provided to the Risk Committee weekly and a report of such results is presented to the Risk Committee on a monthly basis. Ad hoc reviews of the stress testing results may be undertaken at the discretion of the Chief Risk Officer.

In the event of any deficiencies noted upon stress testing, the Risk Department must report such deficiencies to ICC senior management and the Risk Committee, and either (a) provide analysis that the results do not highlight a significant weakness in the stress testing or risk methodology; or (b) recommend enhancements to the stress testing or risk methodology. ICC senior management and the Risk Committee will review and recommend any stress testing or risk methodology enhancements to the Board, who is responsible for approval. The Risk Department may also choose to add new scenarios and portfolios in response to deficiencies noted upon stress testing; in this case, the Risk Department will discuss with the Risk Committee, who will recommend to the Board, who is responsible for approval.

The Risk Department maintains a standard set of Stress Scenarios and portfolios (namely actual portfolios, sample portfolios derived from currently cleared portfolios, and expected future portfolios) that are executed on a regular basis. In the event that a scenario or portfolio in the standard set is no longer applicable, or has been superseded by new scenarios or portfolios, the Risk Department may wish to retire or modify the outdated scenario or portfolio. In this case, the Risk Department consults with ICC senior management; conducts analysis to support the recommendation; discusses the analysis and obtains a recommendation from the Risk Committee; and presents the final analysis to the Board approval. In the interest of prudent risk management, the Risk Department may wish to add scenarios and/or portfolios to the standard set; Risk Committee or Board approval is not required unless such scenarios and/or portfolios are added in response to stress testing deficiencies, as described above.

Previous versions of the framework included the Risk Working Group in the governance structure, as ICC consulted with the Risk Working Group as it worked to develop its initial stress testing approach and appropriate scenarios. As ICC now has a fully developed approach, stress testing remains focused on data analysis and reporting results, which are addressed at the Risk Committee and Board level. Thus, to reflect current governance practices, references to the Risk Working Group have been removed.

Section 17A(b)(3)(F) of the Act[3] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions, and to the extent applicable, derivative agreements, contracts and transactions and to comply with the provisions of the Act and the rules and regulations thereunder. ICC believes that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to ICC, in particular, to Section 17(A)(b)(3)(F),[4] because ICC believes that the proposed rule changes will promote the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions. ICC's Stress Testing Framework describes ICC's stress testing practices, which are designed to ensure the adequacy of systemic risk protections. The Stress Testing Framework sets forth the methodology by which ICC evaluates potential portfolio profits/losses, compared to the Initial Margin and Guaranty Fund funds maintained, in order to identify any potential weakness in the risk methodology. As such, the proposed rule changes are designed to promote the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions within the meaning of Section 17A(b)(3)(F)[5] of the Act. The proposed changes will also satisfy the requirements of Rule 17Ad–22.[6] In particular, the Stress Testing Framework contains stress testing practices designed to ensure that ICE Clear Credit maintains sufficient financial resources to withstand a default by the CP family to which it has the largest exposure in extreme but plausible market conditions, and that as a registered clearing agency acting as a central counterparty for security-based swaps, ICC shall maintain additional financial resources sufficient to withstand, at a minimum, a default by the two CP families to which it has the largest exposures in extreme but plausible market conditions,[7] consistent with the requirements of Rule 17Ad–22(b)(3).[8]

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[3] 15 U.S.C. 78q–1(b)(3)(F).

[4] Id.

B. Self-Regulatory Organization's Statement on Burden on Competition

ICC does not believe the proposed rule changes would have any impact, or impose any burden, on competition. To the extent the Stress Testing Framework impacts CPs, the Stress Testing Framework applies uniformly across all CPs. Therefore, ICC does not believe the proposed rule changes impose any burden on competition that is inappropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–ICC–2016–005 on the subject line.

Paper Comments

Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ICC–2016–005. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's Web site at *https://www.theice.com/clear-credit/regulation*.

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ICC–2016–005 and should be submitted on or before May 12, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Brent J. Fields,

Secretary.

[FR Doc. 2016–09205 Filed 4–20–16; 8:45 am]

BILLING CODE 8011–01–P

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[5] Id.

[6] 17 CFR 240.17Ad–22.

[7] Pursuant to confirmation via email with ICC on April 13, 2016, staff in the Division of Trading and Markets modified this sentence to add the reference to ICC maintaining sufficient financial resources to withstand, at a minimum, the default by the two CP families to which it has the largest exposures in extreme but plausible market conditions to conform to the requirements of Rule 17Ad–22(b)(3).

[8] 17 CFR 240.17Ad–22(b)(3).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77632; File No. SR–BatsBZX–2016–06]

Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify the Fee Schedule Applicable to the Exchange's Options Platform

April 15, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 7, 2016, Bats BZX Exchange, Inc. (the "Exchange" or "BZX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members[5] and non-Members of the Exchange pursuant to BZX Rules 15.1(a) and (c).

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify its fee schedule applicable to the Exchange's options platform ("BZX Options") to: (i) Replace references to "NBMM" (*i.e.,* Non-Bats Market Maker) with the term "Away MM" (*i.e.,* Away Market Maker); (ii) adopt a new Quoting Incentive Program Tier under footnote 5; (iii) amend the criteria necessary to meet the Firm, Broker Dealer, and Joint Back Office Penny Pilot Add Volume Tier 3 under footnote 2; and (iv) amend the criteria necessary to meet the Away Market Maker Penny Pilot Add Volume Tier 2 under footnote 10.

Replace References to "NBMM" With "Away MM"

In February 2016, the Exchange amended its fee schedule to rename the defined term "Non-BATS Market Maker" as "Away Market Maker" to be consistent with terminology used on the options fee schedule of the Exchange's affiliate, Bats EDGX Exchange, Inc.[6] In light of that change, the Exchange now proposes to replace references to "NBMM" (*i.e.,* Non-Bats Market Maker) with the term "Away MM" (*i.e.* Away Market Maker) under footnotes 2, 4, 8 and 10 in order to use consistent terminology through the fee schedule. With this change, the Exchange does not propose to amend the criteria necessary to meet the tier or the amount of the rebate provided.

Quoting Incentive Program ("QIP") Tier 3

The Exchange currently offers two QIP tiers which provide an additional rebate per contract for an order that adds liquidity to the BZX Options Book[7] in options classes in which a Member is a Market Maker registered on BZX Options pursuant to Rule 22.2. The Market Maker must be registered with BZX Options in an average of 20% or more of the associated options series in a class in order to qualify for QIP rebates for that class. Under QIP Tier 1, a Market Maker will receive an additional rebate of $0.02 per contract where that Market Maker has an ADV[8] equal to or greater than 0.30% of average TCV.[9] Under QIP Tier 2, a Market Maker will receive an additional rebate of $0.04 per contract where that Market Maker has an ADV equal to or greater than 1.00% of average TCV. The Exchange now proposes to add QIP Tier 3 under which a Market Maker may receive an additional rebate of $0.06 per contract where the Member has an ADV equal to or greater than 2.5% of average TCV.

Firm, Broker Dealer, and Joint Back Office Penny Pilot Add Volume Tier 3

The Exchange proposes to amend the criteria necessary to meet and receive the rebate associated with the Firm, Broker Dealer, and Joint Back Office Penny Pilot Add Volume Tier 3 under footnote 2, which currently provides Members with a rebate of $0.46 per contract for Firm,[10] Broker Dealer,[11] and Joint Back Office[12] orders that add liquidity in Penny Pilot Securities[13] where the Member has an: (i) ADAV[14] in Firm, Broker-Dealer, or Joint Back Office orders in Penny Pilot Securities (yielding Fee Code PF)[15] equal to or greater than 0.25% of average TCV; and (ii) ADV equal to or greater than 1.50% of average TCV. Specifically, the Exchange proposes to amend the Firm, Broker Dealer, and Joint Back Office Penny Pilot Add Volume Tier 3 to now require that the Member have an ADAV in Away Market Maker[16] orders, in addition to Firm, Broker-Dealer, or Joint Back Office orders equal to or greater than 0.80%, rather than 0.25%, of average TCV. While the rebate would continue to be available only to Firm, Broker-Dealer, or Joint Back Office orders in Penny Pilot Securities, the requirement that the Member have an ADAV equal to or greater than 0.80% of average TCV would no longer be limited to orders in Penny Pilot Securities. The tier would continue to require that Members also have an ADV equal to or greater than 1.50% of average TCV.

Away Market Maker Penny Pilot Add Volume Tier 2

The Exchange proposes to amend the criteria necessary to meet and receive the rebate associated with the Away Market Maker Penny Pilot Add Volume Tier 2 under footnote 10, which currently provides a Member that acts as an Away Market Maker a rebate of $0.46 per contract for Away Market Maker orders that add liquidity in a Penny Pilot Security where the Member has an: (i) ADAV in Firm, Broker-Dealer, and/or Joint Back Office orders in Penny Pilot Securities (yielding Fee Code PF) equal to or greater than 0.25% of average TCV; and (ii) ADV equal to or greater than 1.50% of average TCV. Specifically, the Exchange proposes to amend the Away Market Maker Penny Pilot Add Volume Tier 2 to now require that the Member have an ADAV in Away Market Maker[17] orders, in addition to Firm, Broker-Dealer, or Joint Back Office orders equal to or greater than 0.80%, rather than 0.25%, of average TCV. While the rebate would continue to be available only to

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[4] 17 CFR 240.19b–4(f)(2).

[5] The term "Member" is defined as "any registered broker or dealer that has been admitted to membership in the Exchange." *See* Exchange Rule 1.5(n).

[6] *See* Securities Exchange Act Release No. 77307 (March 7, 2016), 81 FR 12996 (March 11, 2016) (Notice of Filing and Immediate Effectiveness of SR–BATS–2016–25).

[7] *See* Exchange Rule 16.1(a)(9).

[8] As defined in the Exchange's fee schedule *available at http://www.batsoptions.com/support/fee_schedule/bzx/.*

[9] *Id.*

[10] *Id.*

[11] As defined in the Exchange's fee schedule *available at http://www.batsoptions.com/support/fee_schedule/bzx/.*

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] Fee code PF is yielding to Firm, Broker-Dealer, and Joint Back Office orders that add liquidity in Penny Pilot Securities. *See* the Exchange's fee schedule *available at http://www.batsoptions.com/support/fee_schedule/bzx/.*

[16] As defined in the Exchange's fee schedule *available at http://www.batsoptions.com/support/fee_schedule/bzx/.*

[17] As defined in the Exchange's fee schedule *available at http://www.batsoptions.com/support/fee_schedule/bzx/.*

Firm, Broker-Dealer, or Joint Back Office orders in Penny Pilot Securities, the requirement that the Member have an ADAV equal to or greater than 0.80% of average TCV would no longer be limited to orders in Penny Pilot Securities. The Exchange notes that this change is similar to that proposed for the Firm, Broker Dealer, and Joint Back Office Penny Pilot Add Volume Tier 3 discussed above. The tier would continue to require that Members also have an ADV equal to or greater than 1.50% of average TCV.

Implementation Date

The Exchange proposes to implement these amendments to its fee schedule immediately.[18]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[19] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[20] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using any facility or system which the Exchange operates or controls. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels to be excessive.

Volume-based rebates such as those currently maintained on the Exchange have been widely adopted by equities and options exchanges and are equitable because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns, and introduction of higher volumes of orders into the price and volume discovery processes.

Specifically, the Exchange believes the changes to the Firm, Broker Dealer, and Joint Back Office Penny Pilot Add Volume Tier 3 and Away Market Maker Penny Pilot Add Volume Tier 2 are reasonable, fair and equitable and non-discriminatory, for the reasons set forth above with respect to volume-based pricing generally, because such change will apply equally to all participants, and because the change will incentivize such participants to further contribute to market quality on the Exchange. Moreover, the proposed changes will provide Members with an increased incentive to add liquidity in Away Market Maker orders, which the Exchange not only believes will enhance market quality for all market participants, but will also encourage increased participation of other orders wanting to interact with such Away Market Maker orders, further to the benefit of all market participants. The Exchange also believes that the proposed changes to the tiers remain consistent with pricing previously offered by the Exchange as well as competitors of the Exchange and does not represent a significant departure from the Exchange's general pricing structure.

The Exchange believes that its proposal to add a new QIP Tier 3 under footnote 5 is reasonable, fair and equitable and non-discriminatory, for the reasons set forth above with respect to volume-based pricing generally. In addition, the Exchange believes the amount of the proposed rebate offered under QIP Tier 3 is equitable and reasonable because of the increased criteria required to satisfy QIP Tier 3 compared to the rebates offered and the criteria required by QIP Tiers 1 and 2. The Exchange also notes that although registration as a Market Maker is required to qualify for QIP, such registration is available to all Members on an equal basis. The Exchange also believes that the proposed tier is reasonable, fair and equitable, and non-discriminatory because it, like the QIP generally, is aimed to incentivize active market making on the Exchange.

Lastly, the Exchange believes that replacing references to "NBMM" with "Away MM" is reasonable, fair and equitable and non-discriminatory because it is non-substantive designed to make the fee schedule as clear and easily understandable as possible. The proposed changes would enable the Exchange to use consistent terminology throughout the fee schedule. With this change, the Exchange does not propose to amend the criteria necessary to meet the tier or the amount of the rebate provided.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed amendments to its fee schedule would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange has designed the proposed amendments to its fee schedule in order to enhance its ability to compete with other exchanges. Rather, the proposal as a whole is a competitive proposal that is seeking to further the growth of the Exchange. Also, the Exchange believes that the increase to certain thresholds necessary to meet tiers offered by the Exchange contributes to rather than burdens competition, as such changes are intended to incentivize participants to increase their participation on the Exchange. Similarly, the introduction of a new QIP Tier is intended to provide incentives to Market Makers to encourage them to enter orders to the Exchange, and thus is again intended to enhance competition.

Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed changes to the Exchange's tiered pricing structure burdens competition, but instead, enhances competition as it is intended to increase the competitiveness of the Exchange. Also, the Exchange believes that the price changes contribute to, rather than burden competition, as such changes are broadly intended to incentivize participants to increase their participation on the Exchange, which will increase the liquidity and market quality on the Exchange, which will then further enhance the Exchange's ability to compete with other exchanges.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[21] and paragraph (f) of Rule 19b–4 thereunder.[22] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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[18] The Exchange initially filed the proposed change on April 1, 2016 (SR–BatsBZX–2016–05). On April 7, 2016, the Exchange withdrew SR–BatsBZX–2016–05 and submitted this filing.

[19] 15 U.S.C. 78f.

[20] 15 U.S.C. 78f(b)(4).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BatsBZX–2016–06 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BatsBZX–2016–06. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BatsBZX–2016–06 and should be submitted on or before May 12, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Brent J. Fields,

Secretary.

[FR Doc. 2016–09204 Filed 4–20–16; 8:45 am]

BILLING CODE 8011–01–P

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[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f).

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77635; File No. SR–FINRA–2016–010]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Designation of Longer Period for Commission Action on a Proposed Rule Change To Adopt FINRA Rule 4554 (Alternative Trading Systems—Recording and Reporting Requirements of Order and Execution Information for NMS Stocks)

April 15, 2016.

On February 29, 2016, the Financial Industry Regulatory Authority, Inc. ("FINRA") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to require alternative trading systems ("ATSs") to submit additional order information to FINRA. The proposed rule change was published for comment in the **Federal Register** on March 7, 2016.[3] The Commission received one comment letter on the proposal.[4]

Section 19(b)(2) of the Act[5] provides that, within 45 days of the publication of the notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is April 21, 2016.

The Commission is extending this 45-day time period. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the comment received on the proposal.

Accordingly, pursuant to Section 19(b)(2) of the Act,[6] the Commission designates June 3, 2016, as the date by which the Commission should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change (File No. SR FINRA–2016–010).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Brent J. Fields,

Secretary.

[FR Doc. 2016–09207 Filed 4–20–16; 8:45 am]

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 77269 (March 1, 2016), 81 FR 11851 (March 7, 2016).

[4] *See* Letter to the Secretary from Theodore R. Lazo, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association ("SIFMA"), dated April 1, 2016 ("SIFMA Letter").

[5] 15 U.S.C. 78s(b)(2).

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77628; File No. SR–OCC–2016–801]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of an Advance Notice Related to the Adoption of an Options Exchange Risk Control Standards Policy

April 15, 2016.

Pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled the Payment, Clearing, and Settlement Supervision Act of 2010[1] ("Payment, Clearing and Settlement Supervision Act") and Rule 19b–4(n)(1)(i) under the Securities Exchange Act of 1934,[2] notice is hereby given that on March 4, 2016, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the advance notice as described in Items I and II below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the advance notice from interested persons.

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[1] 12 U.S.C. 5465(e)(1).

[2] 17 CFR 240.19b–4(n)(1)(i).

I. Clearing Agency's Statement of the Terms of Substance of the Advance Notice

This advance notice by The Options Clearing Corporation ("OCC") would adopt a new Options Exchange Risk Control Standards Policy ("Policy"), which details OCC's policy for addressing the potential risks arising from erroneous trades executed on an options exchange ("Options Exchange" or "Options Exchanges," as applicable)[3] that has not demonstrated the existence of certain risk controls ("Risk Controls") that are consistent with a set of principles-based risk control standards ("Risk Control Standards") developed by OCC in consultation with the exchanges. The proposed change would also revise OCC's Schedule of Fees in accordance with the proposed policy to charge and collect from Clearing Members[4] a fee of two cents per each cleared options contract (per side) ("Fee") executed on an Options Exchange that did not demonstrate sufficient Risk Controls designed to meet the proposed Risk Control Standards.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Advance Notice

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the advance notice and discussed any comments it received on the advance notice. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A) and (B) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement on Comments on the Advance Notice Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed change and none have been received.

(B) Advance Notice Filed Pursuant to Section 806(e) of the Payment, Clearing and Settlement Supervision Act

Purpose of the Proposed Change

Background

OCC proposes to adopt a new Options Exchange Risk Control Standards Policy, which is designed to better protect OCC against risks related to erroneous transactions that may occur on Options Exchanges that have not implemented Risk Controls that are consistent with a defined set of principles-based Risk Control Standards, which were developed by OCC in consultation with the exchanges, and that are sent to OCC for a guarantee. The proposed Policy would, among other things, impose an additional Fee on cleared trades that are executed on an Options Exchange that has not certified the existence of Risk Controls that meet the Risk Control Standards in the following categories: (i) "Price Reasonability Checks;" (ii) "Drill-Through Protections;" (iii) "Activity-Based Protections;" and (iv) "Kill-Switch Protections" (in each case discussed more thoroughly below) along with OCC's review to determine if the Risk Controls are consistent with the Risk Control Standards. The Policy would also require that any funds collected from the Fee be retained as earnings and, as such, be eligible for use for Clearing Member defaults under Article VIII, Section 5(d) of OCC's By-Laws but prohibit such funds from being used for any other purpose. OCC also proposes revisions to its Schedule of Fees to implement the Fee.

OCC believes that the implementation of Risk Controls that are consistent with the proposed principles-based Risk Control Standards at Options Exchanges would guard against risks attendant to erroneous transactions on such Options Exchanges and serve OCC, its Clearing Members, and the financial markets OCC serves by helping to ensure the potential significant financial impact and elevated risk of disruption resulting from erroneous transactions is limited to the greatest extent possible. As a systemically important financial market utility and the sole clearing agency for the US listed options markets, OCC seeks to control risks presented to it that might have the effect of disrupting routine processes at OCC, and thus threatening the stability of the financial system of the United States. As described in more detail below, there have been numerous cases in the recent past where erroneous transactions have occurred that could have caused substantial damage to financial market entities and resultant damage to OCC. The options market is not immune to the harmful effects of erroneous transactions, and in fact OCC is more susceptible than other financial market entities to the risks attendant thereto by virtue of: (i) Its role as a guarantor of all options transactions that are novated, and (ii) its lack of discretion to elect not to clear transactions executed on Options Exchanges. OCC believes that Options Exchanges that apply the Risk Control Standards to all transactions executed on such Options Exchanges are better equipped to capture and eradicate erroneous and potentially disruptive transactions at the Options Exchange level, thereby reducing the likelihood that the risk inherent in such erroneous and potentially disruptive trades is transferred to OCC, its other Clearing Members, and the financial markets served by OCC. Furthermore, and as discussed in more detail below, OCC believes this proposal is complementary to efforts undertaken by the Commission to strengthen critical market infrastructure and improve its resilience, consistent with current Commission requirements[5] and international guidance,[6] and in furtherance of remarks made by Chair White after the latest in a series of prominent market disruptions to encourage self-regulatory organizations to consider such complementary efforts.[7]

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[3] Current Options Exchanges are: (i) BATS Options Market, (ii) Box Options Exchange LLC, (iii) C2 Options Exchange, Inc., (iv) Chicago Board Options Exchange, Inc., (v) EDGX Options Exchange, (vi) International Securities Exchange, LLC, (vii) ISE Gemini LLC, (viii) ISE Mercury, LLC, (ix) MIAX Options Exchange, (x) NASDAQ OMX BX, Inc., (xi) NASDAQ OMX PHLX, LLC, (xii) NASDAQ Options Market, (xiii) NYSE Amex Options, and (xiv) NYSE Arca Options.

[4] *See* Article I, Section 1 of OCC's By-Laws.

[5] *See* Clearing Agency Standards, Securities Exchange Act Release No. 68080 (Oct. 22, 2012), 77 FR 66220 (Nov. 2, 2012). More specifically, the Release states,

"The Commission notes however that under Section 17A(b)(3)(F) of the Exchange Act, a clearing agency is charged with responsibility to coordinate with persons engaged in the clearance and settlement of securities transactions, not just other clearing agencies. . . Further, the Commission notes that during the clearance and settlement process, a registered clearing agency is confronted with a variety of risks that must be identified and understood if they are to be effectively controlled. To the extent that these risks arise as a result of a registered clearing agency's links with another entity involved in the clearance and settlement process, Rule 17Ad–22(d)(7) should help ensure that clearing agencies have policies and procedures designed to identify those risks."

Id. at 66251.

[6] *See* Principle 20 of the Committee on Payment and Settlement Systems and Technical Committee of the International Organization of Securities Commissions ("*CPSS–IOSCO*"), Principles for Financial Market Infrastructures (April 16, 2012), available at *http://www.bis.org/publ/cpss101a.pdf* ("*PFMI Report*").

[7] *See* SEC Chair White Statement on Meeting with Leaders of Exchanges, September 12, 2013. ("Today's meeting was very constructive. I stressed the need for all market participants to work collaboratively—together and with the Commission—to strengthen critical market infrastructure and improve its resilience when technology falls short.") *See also* Chair White, Statement on Nasdaq Trading Interruption, August

Continued

Proposed Options Exchange Risk Control Standards Policy

Under the proposed Policy, if an Options Exchange does not submit a signed certification sufficiently demonstrating that it has certain Risk Controls in place that are consistent with the proposed Risk Control Standards, OCC will charge and collect a fee[8] in accordance with its Schedule of Fees for each trade executed on such Options Exchange until such time that the Options Exchange completes the certification process, which is described in more detail below. Funds collected through the imposition of the Fee are segregated for recordkeeping purposes from other funds generated by clearing fees and would not be available for a Clearing Member refund or Stockholder Exchange dividend under OCC's approved Capital Plan. These funds would be available for use by OCC, with unanimous approval by the Stockholder Exchanges, in accordance with Article VIII, Section 5(d) of OCC's By-Laws[9] and as provided for in the Policy.

Risk Control Standards

The proposed Options Exchange Risk Control Standards Policy details each of the Risk Control Standards to which an Options Exchange must attest so that the proposed Fee would not be applied to trades executed on that Options Exchange. The proposed Risk Control Standards, which were developed by OCC in consultation with the Options Exchanges, are principle-based and designed to provide the flexibility for each Options Exchange to develop specific Risk Controls that best suit its own marketplace while still guarding against the types of risks contemplated by the Policy. The proposed Risk Control Standards are described below.

1. Price Reasonability Checks

Mandatory Price Reasonability Checks prevent limit orders,[10] complex orders,[11] and market maker quotes from being entered and displayed on an Options Exchange if the price on such order or quote is outside a defined threshold set in relation to the current market price or National Best Bid or Offer ("NBBO"). For example,[12] an Options Exchange may set a Price Reasonability Check that would reject an order that is priced at a certain percentage above the set parameter or a quote entered by a market maker that is priced a certain dollar amount higher than the set threshold.[13] Options Exchanges' Price Reasonability Checks would include:

(i) Mandatory limit order, complex order and quote Price Reasonability Checks;
(ii) Application to all trading sessions, including market openings; and
(iii) If the checks do not prevent the display and execution of quotes, the Options Exchange would have other means by which it mitigates the risks associated with the display and execution of quotes outside the specific threshold.

Trades executed on an Options Exchange that occur at prices that were input erroneously and are substantially removed from other trades executed in the same product have the potential to result in large trading losses. In 2013, a trading firm's internal algorithm used to satisfy market demand for equity options inadvertently produced orders with inaccurate price limits and sent those orders to Options Exchanges ("2013 Trading Firm Error"). Though many of the erroneous trades were later canceled, it has been estimated that the trading firm could have faced approximately $500 million in losses.[14] If these potential losses were realized and if the OCC Clearing Member clearing and settling those trades was unable to honor them, OCC and its remaining Clearing Members would have been exposed to significant losses and a potential disruption to the operations of OCC.

2. Drill-Through Protections

Drill-Through Protections are closely related to Price Reasonability Checks and would require all orders, including market orders,[15] limit orders, and complex orders, to be executed within pre-determined price increments of the NBBO. Drill-Through Protections also restrict orders from immediately trading up or down an unlimited number of price intervals and allow market liquidity to be refreshed prior to the execution of further trades.[16] Options Exchanges' Drill-Through Protections would include:

(i) Mandatory Drill-Through Protections with reasonably quantifiable limits;
(ii) Application to all orders; and
(iii) Application to all trading sessions, including market openings.

Options orders that are large in size may, due to the available contra orders, be partially executed at reasonable prices with the remainder of the same order executed at prices that are far from the NBBO, and thus have the potential to result in large trading losses. For example, in 2012, a trading firm erroneously sent more than 4 million orders to equity exchanges over a period of forty-five minutes, creating a loss of over $450 million that nearly resulted in the trading firm's insolvency ("2012 Trading Firm Error" and collectively with the 2013 Trading Firm Error, the "Trading Firm Errors").[17] If the trading firm was unable to absorb the loss and honor the trades, the clearing agency

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22, 2013. ("The continuous and orderly functioning of the securities markets is critically important to the health of our financial system and the confidence of investors. Today's interruption in trading, while resolved before the end of the day, was nonetheless serious and should reinforce our collective commitment to addressing technological vulnerabilities of exchanges and other market participants.")

[8] OCC is proposing to collect a fee of two cents per each cleared options contract (per side). Any changes to this fee would be subject to a future rule filing with the Commission.

[9] *See* Article VIII, Section 5(d). Under Article VIII, Section 5(d), usage of current or retained earnings may be considered after the defaulting clearing member's margin has been exhausted, and it may be used to reduce in whole or in part the pro rata contribution otherwise made from the Clearing Fund to cover the loss. *Id.*

[10] A limit order is an order placed on an Options Exchange to buy or sell a specific amount of options contracts at a specified price or better. (*See, e.g.,* International Securities Exchange Rule 715(b).)

[11] A complex order is an order involving the execution of two or more different options series in the same underlying security occurring at or near the same time. (*See, e.g.,* Chicago Board Options Exchange Rule 6.53C(a)(1).)

[12] Examples herein are illustrative only, and the specifics of such examples are not necessarily required for an Options Exchange to certify having specific Risk Controls sufficient to meet the Risk Control Standards.

[13] By way of example, assume the market is $1.00 bid at $1.10. An Options Exchange Price Reasonability Check could reject orders greater than 5 cents above the offer or below the bid. Accordingly, if a broker wanted to buy an option for $1.10, but inadvertently "fat fingers" the limit price for $11.00 on the order, the Options Exchange would reject the order prior to execution because the limit on the order is greater than the Price Reasonability Check limit.

[14] *See* In the Matter of Goldman, Sachs & Co., Order Instituting Administrative and Cease-and-Desist Proceedings, Pursuant to Sections 15(9b) and 21C of the Securities Exchange Act of 1934, Making Findings, and Imposing Remedial Sanctions and a Cease-and-Desist Order (Jun. 30, 2015) (Release No. 34–75331).

[15] A market order is an order to buy or sell a stated number of options contracts at the best price obtainable when the order reaches the Options Exchange in which the order was sent to. (*See, e.g.* Chicago Board Options Exchange Rule 6.53.)

[16] By way of example, assume the market is $1.00 bid at $1.10 and the size, or liquidity provided on the bid, or offered on the ask, is 100 contracts by 100 contracts. Assume an order is entered as a market order to buy 1000 contracts and the Drill-Through Protection is set at 5 cents and 500 milliseconds (or half a second). The Drill-Through Protection would allow the order to trade up to the price limit set, or $1.15. At $1.15, the order would be halted by the Options Exchange and either routed to another Options Exchange or manually executed. Also, after executing 100 contracts for $1.10, the Drill-Through Protection would temporarily halt the order for 500 milliseconds (or half a second) to allow market makers to refresh their market and size.

[17] *See http://www.reuters.com/article/2012/10/17/us-knightcapital-results-idUSBRE89G0HI20121017.*

and its surviving Clearing Members would have been exposed to significant losses and a potential disruption to their operations. While detailed facts surrounding the incident are not publicly known, Drill-Through Protections could have helped limit the losses by preventing execution of orders that would have traded through a large number of price increments in a short period of time.

3. Activity-Based Protections

Activity-Based Protections extend an Options Exchange's Risk Controls to factors beyond price and are most commonly designed to address risks associated with a high frequency of trades in a short period of time. Activity-Based Protections may address the maximum number of contracts that may be entered as one order, the maximum number of contacts that may be entered or executed by one firm over a certain period of time, and the maximum number of messages that may be entered over a certain period of time. Options Exchanges' Activity-Based Protections would include:

(i) Application to all traded products available on the Options Exchange;

(ii) Mandatory use of available Activity-Based Protections by its members where the use of such protections is consistent with sound risk management practice; and

(iii) Maximum number of contracts or orders that may be executed over a certain period of time.

Options Exchanges that don't have Activity-Based Protections have a greater likelihood of facilitating erroneous trades by not imposing limits based on factors other than price. Trading errors that result in a large number of orders or quotes could magnify the trading losses that result from the error and could cause the default of a Clearing Member if the Clearing Member cannot meet its obligations due to such losses. For example, Activity-Based Protections could have limited the loss associated with the 2013 Trading Firm Error mentioned above.

4. Kill-Switch Protections

Kill-Switch Protections provide Options Exchanges, and their market participants, with the ability to cancel existing orders and quotes and/or block new orders and quotes on an exchange-wide or more tailored basis (*e.g.*, symbol specific, by Clearing Member, etc.) with a single message to the Options Exchange after established trigger events are detected. A trigger event may include a situation where a market participant is disconnected from an Options Exchange due to an abnormally large order or manual errors in the system by a market participant causing multiple erroneous trades to occur. Kill-Switch Protections are considered a last line of defense, applicable where, for example, a severe trading problem occurs or an Options Exchange market participant loses connectivity to the Options Exchange. Options Exchanges' Kill-Switch Protections would include:

(i) The availability, and required use in the case of Options Exchange market makers, of "heartbeat monitoring," a function that periodically sends an electronic signal between the Options Exchange and the market participant that subsequently cancels all quotes and/or orders if the market participant does not respond to the signal in a certain period of time;

(ii) The ability for participants of the Options Exchange to "cancel-on-disconnect";

(iii) The ability to cancel all quotes and/or orders with a single message to the Options Exchange, with the availability of backup alternative messaging systems; and

(iv) Restricted automated reentry to trading after the activation of a kill-switch.

Trades executed on Options Exchanges without Kill-Switch Protections increase the risk that trading malfunctions or other harmful events could lead to erroneous trades being executed on an Options Exchange and sent to OCC for clearance and settlement. If the Clearing Member for these trades was not able to absorb losses associated with them, it could potentially expose OCC and its surviving Clearing Members to significant losses and a disruption of operations. For example, the potential severity of the 2012 Trading Firm Error could have been substantially limited if a Kill-Switch Protection temporarily restricted the trading firm's ability to trade.

Certification Process [18]

OCC has developed, in conjunction with the Options Exchanges, the following process to evaluate each Options Exchange's Risk Controls. Under the proposal, each Options Exchange would certify to OCC that the Options Exchange implemented Risk Controls consistent with the Risk Control Standards using a form provided by OCC and signed by an executive officer of the Options Exchange.[19] Provided notice of no objection and all regulatory approvals are received, Options Exchanges that submit documentation would receive a determination from OCC regarding their Risk Controls by a date not sooner than June 30 of each year ("Evaluation Completion Date").[20]

Under the Policy, OCC would evaluate each Options Exchange's Risk Controls and the Risk Controls' compliance with the Risk Control Standards by the Evaluation Completion Date based on a review of its certification and supporting materials, which will include, but will not be limited to, proposed rule changes filed with the Commission, approved Options Exchange rules, information circulars, and/or written procedures, if any, in each case consistent with the date of receipt of the certification. If OCC is unable to determine that an Options Exchange has Risk Controls sufficient to meet Risk Control Standards, OCC would furnish the Options Exchange with a concise written statement of the reason(s) as soon as reasonably practicable. The Options Exchange may, within 30 days of receipt of the written statement providing the reason OCC was unable to find the Options Exchange maintained sufficient Risk Controls to meet the proposed Risk Control Standards, present further evidence of such sufficient Risk Controls to OCC. OCC would then conduct a second review and make a recommendation to OCC's Risk Committee [21] whether the Options Exchange has sufficient Risk Controls within 30 days of receiving the evidence of such Risk Controls from the Options Exchange. OCC's Risk

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[18] OCC intends to begin the collection of certifications from the Options Exchanges after appropriate regulatory approvals/non objection has been obtained.

[19] The signed certification signed by an executive officer of the Options Exchange will attest to the validity, efficacy and implementation of Risk Controls satisfying each of the above described Risk Control Standards. As part of the certification, the executive officer of the Options Exchange will certify that the Options Exchange has met the Risk Control Standards as described in this Advance Notice.

[20] OCC notes that the implementation of the Policy and resulting Evaluation Completion Date for 2016 are subject to receiving no objection from the Commission and all necessary regulatory approvals. After receiving no objection and all necessary regulatory approvals, OCC will notify Options Exchanges, its Clearing Members, and market participants of the Evaluation Completion Date for 2016 by issuing an Information Memo on its public Web site. The Evaluation Completion Date for 2016 will be set for a date not sooner than 30 days after issuing the Information Memo (which may be later than June 30, 2016).

[21] OCC's Risk Committee is chaired by a public Director and it does not currently have an Options Exchange representative. In the event OCC's Risk Committee has an exchange representative at some time in the future, such representative would be recused from a decision on the appeal of a determination of an Options Exchange's compliance with the Risk Control Standards.

Committee would, within 30 days of receipt of the recommendation, review the recommendation and the Options Exchange's supporting materials, as appropriate, to determine whether the Options Exchange has Risk Controls sufficient to meet the Risk Control Standards ("Risk Committee Review"). OCC would furnish the Options Exchange with a concise written statement of the Risk Committee determination and the reason for such determination as soon as reasonably practicable following the Risk Committee Review.

Pursuant to the proposed Policy, on June 30 of each year (with the potential exception of 2016, as noted above),[22] OCC would post a notice to its Web site to which Clearing Members (but not the general public) have access advising Clearing Members, with respect to each Options Exchange, whether: (1) The Options Exchange has implemented sufficient Risk Controls to meet the Risk Control Standards; (2) OCC was unable to determine the Options Exchange has sufficient Risk Controls that meet the Risk Control Standards; or (3) a certification has not been submitted by the Options Exchange.[23]

Collection of Proposed Fee

Beginning on the first business day that is at least 60 days after OCC posts such notice, OCC would charge and collect the Fee in accordance with the Policy for trades executed on an Options Exchange that was determined not to have sufficient Risk Controls to satisfy the Policy.[24] In the event the Fee is charged, it would continue to be charged to and collected from Clearing Members,[25] and the notice would remain posted on OCC's Web site to which Clearing Members (but not the general public) have access, until the Options Exchange has demonstrated it has Risk Controls that satisfy the Policy.[26] OCC believes that implementing this Fee may incentivize Options Exchanges to maintain Risk Controls that are consistent with the proposed Risk Control Standards, thereby reducing the likelihood that erroneous trades are submitted to OCC and the attendant risk identified above comes to fruition.[27] However, the primary reason for the Fee is to provide additional funds for OCC to manage the elevated risk that would be presented to OCC absent the Risk Control Standards and for which OCC has no reasonable means to predict, measure, or consider otherwise. OCC believes the Fee is reasonable, as it represents less than half but more than a third of a premium over the base rate of five cents per contract, and, since clearing fees represent two percent or less of the total execution cost, should not materially impact a Clearing Member that chooses to execute a transaction on an Options Exchange that has not certified its Risk Control Standards.

OCC believes ensuring that funds collected through imposition of the Fee are available for use as current or retained earnings in accordance with Article VIII Section 5(d) of OCC's By-Laws is an integral component of the proposed change, as it provides OCC with increased financial means to cover potential losses stemming from a default caused by erroneous trades that would be presented to OCC absent the Risk Controls and for which OCC has no reasonable means to predict, measure, or consider.

Exception and Escalation Processes

The proposed Policy also provides that, on rare occasion, OCC may grant exceptions to the Policy in order to appropriately address immediate business issues and provides for an escalation process to report breaches of the Policy.

Commission Rules and Statements on Critical Market Infrastructure

Exchange Act Rule 15c3–5 ("Market Access Rule") [28] and Regulation Systems Compliance and Integrity ("Regulation SCI," collectively with "Market Access Rule," "Market Integrity Rules") [29] provide some requirements for the resiliency of critical market infrastructures. The Market Access Rule, which was adopted in November, 2010, generally prohibits broker-dealers from providing "unfiltered" or "naked access" to the securities markets through an exchange or automated trading system. To comply, broker-dealers must establish and maintain a system of risk management controls and supervisory procedures that are reasonably designed to systematically limit the financial, regulatory, and other risks related to the business activity of any customer utilizing the broker-dealer for access to the national market system. OCC believes that the Risk Control Standards contemplated by the Policy are in no way designed to interfere with, contradict, or undermine the Market Access Rule and are in fact designed to be complementary to the Market Access Rule. The proposed Risk Control Standards, which are based upon calculated prices of orders, bids, and offers, and activity of each Options Exchange participant, as described in more detail above, would provide an additional layer of protections at the Options Exchange level to guard against the risks associated with erroneous trades and would thereby complement the Market Access Rule, which is primarily aimed at controlling access to the marketplace at the firm level. While the Market Access Rule has no doubt contributed to a more resilient market infrastructure, OCC believes there remain gaps in critical market infrastructure with respect to erroneous transactions that should be addressed; in fact, each of the Trading Firm Errors discussed above occurred while the Market Access Rule was in place.

In addition, OCC believes that the Risk Control Standards complement Regulation SCI. Regulation SCI is focused on the need for market participants to bolster the operational integrity of automated systems, whereas the Risk Control Standards are designed to adopt more granular controls around the actual entry of an order that occurs outside the four walls of OCC before a trade is settled or cleared by OCC. As such, OCC believes the Risk Control Standards set specific standards to better further the intent of Regulation SCI. Regulation SCI mandates that an applicable entity have reasonable policies, procedures, and controls in place to ensure the integrity of its systems, but the rule doesn't necessarily prescribe what those controls should be. As proposed, the Risk Control Standards complement the objectives of Regulation SCI by applying specific risk controls related to the execution of trades on Options Exchanges. Because the Risk Control Standards would act to further the intentions of the Market Integrity Rules, rather than undermine or act contrary to them, OCC believes the implementation of the Risk Controls by Options Exchanges consistent with the proposed Risk Control Standards would promote market resiliency when working alongside these Market Integrity Rules.

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[22] *See supra* note 20.

[23] For annual certifications commencing in 2017 and thereafter, beginning June 30 of the calendar year for which the certification is being made, OCC would post a notice to its Web site to which Clearing Members (but not the general public) have access advising members, with respect to each Options Exchange, whether: (i) OCC has determined the Options Exchange has sufficient Risk Controls that meet the Risk Control Standards; (ii) OCC was unable to determine the Options Exchange has sufficient Risk Controls that meet the Risk Control Standards; or (iii) a certification has not been submitted by the Options Exchange. In addition, OCC will continue to keep a record posted of the history of each Options Exchange's compliance submission status, and any changes made to that status, with the Risk Control Standards on the same OCC Web site to which Clearing Members (but not the general public) have access in order for Clearing Members to properly keep internal records.

[24] Exhibit 5A contains an updated Schedule of Fees reflecting the Fee. As proposed, the Fee will be applied to all trades executed on an Options Exchange that has not completed the certification process.

[25] The Accounting and Finance Department is responsible for the collection of the Fee and segregation of those funds from other monies collected by OCC.

[26] The National Operations Group is responsible for operationally updating each Options Exchange's certification status, and associated Fee date, as applicable, within the OCC system.

[27] OCC notes, however, that an Options Exchange that does not maintain Risk Controls consistent with the Risk Control Standards is not prevented from submitting transactions to OCC.

[28] *See* 17 CFR 240.15c3–5.

[29] *See* Securities Exchange Act Release No. 73639 (November 19, 2014), 79 FR 72252 (December 5, 2014) (Reg SCI Adopting Release).

Finally, OCC believes the proposed Risk Control Standards are consistent with Commission rules requiring clearing agencies to establish and enforce written policies reasonably designed to evaluate the potential sources of risks that can arise when the clearing agency establishes links to clear and settle trades, and to ensure that these risks are managed prudently on an ongoing basis.[30]

OCC also notes that the proposed Risk Control Standards are principle-based in nature and do not prescribe any specific method for satisfying the standards, which would allow each Options Exchange to develop specific Risk Controls that are best suited for its marketplace. Moreover, the adoption of any Risk Control that would be deemed to be a "rule of an exchange"[31] under the Securities Exchange Act of 1934, as amended (the "Act"), would be subject to the rule filing requirements of Section 19(b) of the Act[32] and thereby subject to review by the Commission before it could be implemented by the Options Exchange.[33]

Consistency With the Payment, Clearing and Settlement Supervision Act

OCC believes that the proposed change concerning Risk Control Standards described above is consistent with Section 805(b)(1) of the Payment, Clearing and Settlement Supervision Act[34] because the proposed change would promote robust risk management. By imposing a Fee on trades executed on Options Exchanges that do not have adequate Risk Control Standards, OCC is attempting to protect itself against the risks associated with clearing and settling trades that have an increased risk of being erroneous and potentially disruptive to OCC. With the proposed Fee and Risk Control Standards, OCC is attempting to prevent market disruptions at the exchange level by implementing consistent Risk Control Standards across all Options Exchanges, thereby promoting robust risk management.

Anticipated Effect on and Management of Risk

As discussed above and throughout the rule proposal, OCC believes that charging an additional fee for trades executed on Options Exchanges that have not implemented Risk Controls consistent with the proposed Risk Control Standards would mitigate potential risks to OCC, its Clearing Members, and the financial markets OCC serves, and mitigate any threat to the stability of the financial system of the United States. OCC believes the potential harm from the recent market disruptions described above would have been limited if Risk Control Standards were in place on the exchanges on which they occurred. As discussed above, OCC believes that market disruptions of this nature present additional risk to OCC for which it has no other means to reasonably predict, measure, or consider, and as a result presents otherwise uncovered risk to OCC's Clearing Members and the financial markets OCC serves and, if left unchecked, could threaten the stability of the financial system of the United States. The imposition of the proposed Fee would provide additional financial resources to help OCC mitigate such risks.

III. Date of Effectiveness of the Advance Notice and Timing for Commission Action

The advance notice may be implemented if the Commission does not object to the advance notice within 60 days of the later of (i) the date that the advance notice was filed with the Commission or (ii) the date that any additional information requested by the Commission is received. OCC shall not implement the advance notice if the Commission has any objection to the advance notice.

The Commission may extend the period for review by an additional 60 days if the advance notice raises novel or complex issues, subject to the Commission providing OCC with prompt written notice of the extension. An advance notice may be implemented in less than 60 days from the date the advance notice is filed, or the date further information requested by the Commission is received, if the Commission notifies OCC in writing that it does not object to the advance notice and authorizes OCC to implement the advance notice on an earlier date, subject to any conditions imposed by the Commission.

The clearing agency shall post notice on its Web site of proposed changes that are implemented.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–OCC–2016–801 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–OCC–2016–801. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the advance notice that are filed with the Commission, and all written communications relating to the advance notice between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public

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[30] *See* 17 CFR 240.17Ad–22(d)(7). OCC notes that these links are not limited in scope to linkages between clearing agencies. *See supra* note 5 at 66250–66251.

[31] *See* 15 U.S.C. 78c(a)(27).

[32] 15 U.S.C. 78(s)(b).

[33] Certain Options Exchanges have already filed proposed rule changes, and received approval for such rule changes, with the Commission to implement risk controls that are designed to guard against the same types of risks contemplated by the Risk Control Standards. *See, e.g.,* Securities Exchange Act Release No. 76123 (October 16, 2015), 80 FR 62591 (October 16, 2015) (SR–NASDAQ–2015–096) (Order Approving Proposed Rule Change to Adopt a Kill Switch for NOM). *See also* Securities Exchange Act Release No. 77092 (February 9, 2016), 81 FR 7873 (February 16, 2016) (SR–BOX–2016–03) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Add Rule 7310 (Drill-through Protection) to Implement a New Price Protection Feature).

[34] 12 U.S.C. 5464(b)(1).

Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at *http://www.theocc.com/components/docs/legal/rules_and_bylaws/sr_occ_16_801.pdf.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–OCC–2016–801 and should be submitted on or before May 12, 2016.

By the Commission.

Brent J. Fields,

Secretary.

[FR Doc. 2016–09201 Filed 4–20–16; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14665 and #14666]

Virginia Disaster Number VA–00063

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the Commonwealth of VIRGINIA (FEMA–4262–DR), dated 03/07/2016.

Incident: Severe Winter Storm and Snowstorm.

Incident Period: 01/22/2016 through 01/23/2016.

DATES: Effective 04/11/2016.

Physical Loan Application Deadline Date: 05/06/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 12/07/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the Commonwealth of VIRGINIA, dated 03/07/2016, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Fairfax City, Fredericksburg City, Greene, Henrico, Shenandoah

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Lisa Lopez-Suarez,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2016–09048 Filed 4–20–16; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

AGENCY: Small Business Administration.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. Chapter 35 requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before June 20, 2016.

ADDRESSES: Send all comments to Mary Frias, Loan Specialist, Office of Financial Assistance, Small Business Administration, 409 3rd Street SW., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Mary Frias, Loan Specialist, Office of Financial Assistance, *mary.frias@sba.gov* 202–401–8234, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: This information collection, as approved by OMB for use in SBA's Certified Development Company (504) loan program, consists of SBA Form 1244 Application for Section 504 Loans and Form 2450, Eligibility Information Required for 504 Submission (Non PCLP). A statutory change on December 22, 2015 in the Consolidated Appropriations Act, 2016, made debt refinance a permanent part of the 504 loan program. Slight revisions to the currently approved forms are required to reinstate the debt refinance program requirements that were previously removed due to the expiration of the authority for that program in 2012.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

Title: Application for Section 504 Loan.

Description of Respondents: Small Business Lending Companies.

Form Number: SBA Form 1244.

Total Estimated Annual Responses: 9,100.

Total Estimated Annual Hour Burden: 21,749.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2016–09044 Filed 4–20–16; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14667 and #14668]

Louisiana Disaster Number LA–00062

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 6.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of LOUISIANA (FEMA–4263–DR), dated 03/13/2016.

Incident: Severe Storms and Flooding.

Incident Period: 03/08/2016 through 04/08/2016.

DATES: Effective 04/08/2016.

Physical Loan Application Deadline Date: 05/12/2016.

EIDL Loan Application Deadline Date: 12/13/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of LOUISIANA, dated 03/13/2016 is hereby amended to establish the incident period for this disaster as beginning 03/08/2016 and continuing through 04/08/2016.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Lisa Lopez-Suarez,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2016–09046 Filed 4–20–16; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14667 and #14668]

Louisiana Disaster Number LA–00062

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 5.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of LOUISIANA (FEMA–4263–DR), dated 03/13/2016.

Incident: Severe Storms and Flooding.

Incident Period: 03/08/2016 and continuing.

DATES: Effective 04/07/2016.

Physical Loan Application Deadline Date: 05/12/2016.

EIDL Loan Application Deadline Date: 12/13/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of LOUISIANA, dated 03/13/2016 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Parish: (Physical Damage and Economic Injury Loans): Avoyelles

Contiguous Parishes: (Economic Injury Loans Only):

Louisiana: Pointe Coupee Saint Landry West Feliciana

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Jerome Edwards,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2016–08976 Filed 4–20–16; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Council on Underserved Communities Advisory Board

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open Federal Advisory Committee meetings.

SUMMARY: The SBA is issuing this notice to announce the location, date, time and agenda for the initial meeting of the Council on Underserved Communities (CUC) Advisory Board.

DATES: The meeting will be held on Monday, April 25th at 11:00 a.m. EST.

ADDRESSES: These meeting will be held at the U.S. Small Business Administration, in the Administrator's Large Conference Room, located at 409 3rd St. SW., Suite 7000, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public however advance notice of attendance is requested. Anyone wishing to be a listening participant must contact Amadi Anene by phone or email. His contact information is Amadi Anene, Senior Advisor to the Administrator, 409 Third Street SW., Washington, DC 20416, Phone, 202–205–0067 or email, *amadi.anene@sba.gov.*

Additionally, if you need accommodations because of a disability or require additional information, please contact Amadi Anene at the information above.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) of the Federal Advisory Committee Act (5 U.S.C. Appendix 2), SBA announces the meeting of the Council on Underserved Communities Advisory Board. This Board provides advice and counsel to the SBA Administrator and Associate Administrator. CUC members will examine the obstacles facing small businesses in underserved communities and recommend to SBA policy and programmatic changes to help strengthen SBA's programs and services to these communities.

The purpose of this meeting is to discuss following issues pertaining to the CUC Advisory Board:

—Provide information on key SBA programs

—Board Assignments

—Determine the 2016 CUC Agenda

Miguel L' Heureux,

White House Liaison.

[FR Doc. 2016–08977 Filed 4–20–16; 8:45 am]

BILLING CODE P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2015–0061]

Social Security Ruling 16–4p; Titles II and XVI: Using Genetic Test Results To Evaluate Disability

AGENCY: Social Security Administration.

ACTION: Notice of Social Security Ruling; correction.

SUMMARY: The Social Security Administration published a document in the **Federal Register** of April 13, 2016, in FR Doc. 2016–08467, on page 21949, in the first column; remove the reference to SSR 96–7p, Titles II and XVI: Evaluation of Symptoms in Disability Claims: Assessing the Credibility of an Individual's Statements; add the reference SSR 16–3p, Titles II and XVI: Evaluation of Symptoms in Disability Claims.

Helen J. Droddy,

Lead Regulations Writer, Office of Regulations and Reports Clearance, Social Security Administration.

[FR Doc. 2016–09184 Filed 4–20–16; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 9529]

Extension of Waiver of Sec. 907 of the FREEDOM Support Act With Respect to Assistance to the Government of Azerbaijan

(SBU) Pursuant to the authority contained in Title II of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 2002 (Pub. L. 107–115), E.O. 12163, as amended by E.O. 13346, and Delegation of Authority 245–1, I hereby determine and certify that extending the waiver of Sec. 907 of the FREEDOM Support Act of 1992 (Pub. L. 102–511) with respect to Azerbaijan:

- Is necessary to support United States efforts to counter international terrorism;
- Is necessary to support the operational readiness of United States Armed Forces or coalition partners to counter international terrorism;
- Is important to Azerbaijan's border security; and
- Will not undermine or hamper ongoing efforts to negotiate a peaceful settlement between Armenia and Azerbaijan or be used for offensive purposes against Armenia.

(SBU) Accordingly, I hereby extend the waiver of Sec. 907 of the FREEDOM Support Act. This determination shall be published in the **Federal Register** and copies shall be provided to the appropriate committees in Congress.

Dated: March 21, 2016.

Thomas A. Shannon,

Under Secretary for Political Affairs.

[FR Doc. 2016–09266 Filed 4–20–16; 8:45 am]

BILLING CODE 4710–23–P

DEPARTMENT OF STATE

[Public Notice 9528]

Notice of Public Comments on FY 2017 U.S. Refugee Admissions Program

The United States actively supports efforts to provide protection, assistance, and durable solutions for refugees. The U.S. Refugee Admissions Program (USRAP) is a critical component of the United States' overall refugee protection efforts around the globe. In Fiscal Year 2016, the President established the ceiling for refugee admissions into the United States at 85,000 refugees.

As we begin to prepare the FY 2017 U.S. Refugee Admission Program, we welcome the public's input. Information about the Program can be found at *http://www.state.gov/g/prm/*. Persons wishing to submit written comments on the appropriate size and scope of the FY 2016 U.S. Refugee Admissions Program should submit them by 5 p.m. on Thursday, May 19, 2015 via email to *PRM-Comments@state.gov* or fax (202) 453–9393.

If you have questions about submitting written comments, please contact Delicia Spruell, PRM/Admissions Program Officer at *spruelld@state.gov.*

Simon Henshaw,

Principal Deputy Assistant Secretary, Bureau of Population, Refugees, and Migration, Department of State.

[FR Doc. 2016–09267 Filed 4–20–16; 8:45 am]

BILLING CODE 4710–33–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Registration of Small Unmanned Aircraft Systems Operated Under Exemptions Issued by the FAA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Availability of Part 48 Registration System for FAA Exemption Holders.

SUMMARY: The FAA is issuing this notice to advise owners of small unmanned aircraft systems (sUAS) used for purposes other than as model aircraft under the authority of an exemption issued by the FAA that they may register their sUAS using the web-based aircraft registration system. It also provides specific information pertaining to any exemptions that include conditions relating to the registration of small UAS.

FOR FURTHER INFORMATION CONTACT: FAA UAS Integration Office, 800 Independence Ave. SW., Washington, DC 20591, telephone (877) 396–4636; email *UAShelp@faa.gov.*

SUPPLEMENTARY INFORMATION: The FAA has issued more than 4,500 exemptions authorizing operation of small UAS for non-model aircraft purposes. UAS operating under FAA exemption are statutorily obligated to be registered with the FAA by their owners. *See* 49 U.S.C. 44101. Consistent with that requirement, exemptions issued by the FAA provide that the UAS must be registered using the process established in 14 CFR part 47 and marked in accordance with 14 CFR part 45.[1] Part 47 was the sole means of registering an aircraft with the FAA at the time those exemptions were issued.

On December 16, 2015, the FAA and Department of Transportation issued an Interim Final Rule establishing registration and marking requirements for small unmanned aircraft (sUAS) that weigh more than .55 and less than 55 pounds. 80 FR 78594. This rule created a new web-based registration process for sUAS distinct from the FAA's existing registration process. These new requirements are codified in 14 CFR part 48. Eligible aircraft[2] that are registered using the part 48 process meet the statutory requirement for aircraft registration. *See* 80 FR 78594–95. sUAS operated other than as model aircraft that weigh more than .55 pounds and less than 55 pounds, such as many of those operated under FAA exemption, have been able to register using the web-based process since March 31, 2016. 14 CFR 48.5(b).

The FAA finds it in the public interest to permit sUAS that currently hold FAA exemptions with the condition for registration under part 47 and who have not registered their sUAS to register in accordance with part 48 using the web-based registration process. Therefore, to ensure that sUAS operated under FAA exemption will be able to be registered under part 48, the FAA is amending all exemptions that contain the following condition:

> All aircraft operated in accordance with this exemption must be identified by serial number, registered in accordance with 14 CFR part 47, and have identification (N-Number) markings in accordance with 14 CFR part 45, subpart C. Markings must be as large as practicable.

Effective April 21, 2016, those exemptions are amended to replace the above condition with the following:

> All aircraft operated under this exemption must be registered in accordance with 14 CFR parts 47 or 48, and have identification markings in accordance with 14 CFR part 45, subpart C or part 48. For applicability and implementation dates of part 48 see 80 FR 78594 (Dec. 16, 2015).

The FAA is taking this action to enable small UAS operated under FAA exemptions to be registered under parts 47 or 48. Due to the significant number of exemptions affected, the FAA is amending these exemptions by publishing this notice. To the extent that an amended exemption is inconsistent with provisions in an exemption holder's Certificate of Waiver or Authorization (COA), the condition in the exemption supersedes the COA.

Exemption holders are advised to have a copy of this notice accessible during UAS operations.

People who have already submitted a completed application to register their sUAS under 14 CFR part 47 but prefer to register using the part 48 web-based system may request cancellation of that application by contacting the Registry. The request may be in any form but must include the following elements:

- The applicant's name and contact information from the original application.
- The make, model, and serial number as shown on the original application.
- The reason for cancellation (*i.e.,* that the applicant has or will register the aircraft under 14 CFR 48).

The request must be signed by the applicant and may be submitted by the applicant or their agent. If the request is submitted by a representative of a company or corporation, that person must indicate his or her corporate or managerial title.

This same process may be used to cancel an existing registration issued under 14 CFR 47; however, the registration holder must indicate the N-number they propose to cancel.

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[1] Most exemptions issued after March 2, 2016 state that the aircraft may be registered under part 47 or part 48.

[2] A Small UAS may be registered under part 48: [O]nly when the aircraft is not registered under the laws of a foreign country and is—(a) Owned by a U.S. citizen; (b) Owned by an individual citizen of a foreign country lawfully admitted for a permanent residence in the [U.S.]; (c) Owned by a corporation not a citizen of the [U.S.] when the corporation is organized and doing business under the laws of the [U.S] or a State within the [U.S.], and the aircraft is based and primarily used in the [U.S.]; or (d) An aircraft of—(1) The [U.S.] Government; or (2) A State, the District of Columbia, a territory or possession of the [U.S.], or a political subdivision of a State, territory, or possession.

14 CFR 48.20; 80 FR 78646.

The request for cancellation may only be transmitted to the Registry using the following methods:

- U.S. Postal Service regular or Priority mail: FAA Aircraft Registration Branch, AFS–750 P.O. Box 25504, Oklahoma City, OK 73125–0504.
- Overnight or Commercial Delivery Services, FAA Aircraft Registration Branch, AFS–750 6425 S Denning Rm 118, Oklahoma City, OK 73169–6937.
- By facsimile: (405) 954–3548.

This exemption terminates on April 1, 2018, unless sooner superseded or rescinded.

Issued in Washington, DC, on April 15, 2016.

John S. Duncan,

Director, Flight Standards Service.

[FR Doc. 2016–09199 Filed 4–20–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Request To Release Airport Property

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on request to release airport property at Strother Field (WLD), Winfield, Kansas.

SUMMARY: The FAA proposes to rule and invites public comment on the release of land at Strother Field (WLD), Winfield, Kansas, under the provisions of 49 U.S.C. 47107(h)(2).

DATES: Comments must be received on or before May 23, 2016.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Lynn D. Martin, Airports Compliance Specialist, Federal Aviation Administration, Airports Division, ACE–610C, 901 Locust Room 364, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to: Shawn M. McGrew, Airport Manager, Strother Field, Cities of Winfield and Arkansas City, P.O. Box 747; 22193 Tupper St., Winfield, KS 67156, (620) 442–4470.

FOR FURTHER INFORMATION CONTACT: Lynn D. Martin, Airports Compliance Specialist, Federal Aviation Administration, Airports Division, ACE–610C, 901 Locust Room 364, Kansas City, MO 64106, (816) 329–2644, *lynn.martin@faa.gov.*

The request to release property may be reviewed, by appointment, in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release approximately 4.00+ acres of airport property at Strother Field (WLD) under the provisions of 49 U.S.C. 47107(h)(2). On March 2, 2016, the Airport Manager of Strother Field requested from the FAA that approximately 4.00+ acres of property be released for sale to the Four County Medical Health Center. On April 12, 2016, the FAA determined that the request to release property at Strother Field (WLD) submitted by the Sponsor meets the procedural requirements of the Federal Aviation Administration and the release of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this Notice.

The following is a brief overview of the request:

Strother Field (WLD) is proposing the release of a parcel, totaling 4.00+ acres. The release of land is necessary to comply with Federal Aviation Administration Grant Assurances that do not allow federally acquired airport property to be used for non-aviation purposes. The sale of the subject property will result in the land at Strother Field (WLD) being changed from aeronautical to nonaeronautical use and release the surface lands from the conditions of the AIP Grant Agreement Grant Assurances, but retaining any mineral rights. In accordance with 49 U.S.C. 47107(c)(2)(B)(i) and (iii), the airport will receive fair market value for the property, which will be subsequently reinvested in Strother Field wastewater system.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon appointment and request, inspect the application, notice and other documents determined by the FAA to be related to the application in person at Strother Field.

Issued in Kansas City, MO on April 15, 2016.

Jim A. Johnson,

Manager, Airports Division.

[FR Doc. 2016–09307 Filed 4–20–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2016–0011]

Agency Information Collection Activities: Notice of Request for Approval of a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for approval of a new information collection.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for approval of a new information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on June 23, 2015. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by May 23, 2016.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket No. FHWA–2016–0011.

FOR FURTHER INFORMATION CONTACT: Damaris Santiago, 202–366–2034, Department of Transportation, FHWA, Office of Project Development and Environmental Review, E76–201, 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: FHWA Environmental Excellence Awards

Background: In 1995 FHWA established the biennial Environmental Excellence Awards to recognize partners, projects, and processes that use FHWA funding sources to go beyond environmental compliance and achieve environmental excellence. The

Environmental Excellence Awards also recognize partners, projects, and processes that exemplify innovation and commitment to the human environment, and organization and process innovation. Awardees must make an outstanding contribution that goes beyond traditional transportation projects and that encourages environmental stewardship and partnerships to achieve a truly multi-faceted, environmentally sensitive transportation solution.

Award: Anyone can nominate a project, process, person or group that has used FHWA funding sources to make an outstanding contribution to transportation and the environment. The nominator is responsible for submitting an application via the FHWA Environmental Excellence Awards Web site that gives a summary of the outstanding accomplishments of the entry. The collected information will be used by FHWA to evaluate the project, showcase environmental excellence, and enhance the public's knowledge of environmental stewardship in the planning and project development process. Nominations will be reviewed by a panel of judges from varying backgrounds. It is anticipated that awards will be given every 2 years. The winners are presented plaques at an awards ceremony.

Respondents: Anyone who has used FHWA funding sources in the 50 States, U.S. territories, and the District of Columbia.

Frequency: The information will be collected biennially.

Estimated Average Burden per Response: 8 hours per respondent per application.

Estimated Total Annual Burden Hours: It is expected that the respondents will complete approximately 150 applications for an estimated total of 1200 annual burden hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: April 18, 2016.

Michael Howell,

Information Collection Officer.

[FR Doc. 2016–09273 Filed 4–20–16; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2016–0029]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

In accordance with part 235 of Title 49 Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this document provides the public notice that by a document dated February 26, 2016, the Canadian Pacific Railway (CP) petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of a signal system. FRA assigned the petition Docket Number FRA–2016–0029.

Applicant: Canadian Pacific Railway, Ms. Cindy Ingram, Director S&C Maintenance—Southern Region, 3420 Miller Avenue, Davenport, IA 52802.

CP seeks approval of the discontinuance of the automatic block signal system in the Nahant Yard area from Milepost (MP) 194 to MP 198.6. The system spans two subdivisions: The Davenport Subdivision from MP 194 to MP 195.5 and the Ottumwa Subdivision from MP 195.51 to MP198.6, on the Quad Cities Division in Nahant, IA.

The reason for the request is to relieve congestion caused by the authority of the yard limits extending south of the current absolute signal located at MP 196.6. The block south of the absolute signal at MP 196.6, being occupied by yard operations, prevents the dispatcher from clearing signals northward at Control Point Montpelier at MP 205.5. This requires trains to stop while occupying highway-rail grade crossings and hand-line their route before proceeding northward.

With this discontinuance, the signals at MP 194 and MP 194.18 will be removed. The signals at MP196.5–6 will be relocated to MP 198.6–7, at the south end of Nahant Yard limits with a distant signal installed. The portion of track from MP193.0 to MP198.6 will be governed under the General Code of Operating Rules, Rule 6.13, Yard Limits, to protect train movements.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by June 6, 2016 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* See also *http://*

www.regulations.gov/#!privacyNotice for the privacy notice of regulations.gov.

Robert C. Lauby,

Associate Administrator for Railroad Safety Chief Safety Officer.

[FR Doc. 2016–09243 Filed 4–20–16; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2016–0028]

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 of the Code of Federal Regulations (CFR), this document provides the public notice that by a document dated April 7, 2016, Denver Regional Transportation District Commuter Railroad (RTDC) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 234. FRA assigned the petition Docket Number FRA–2016–0028.

Denver Regional Transportation District Commuter Railroad (RTDC), located in Denver, Colorado, seeks a temporary waiver of compliance from 49 CFR 234.207—*Adjustment, repair, or replacement of component,* and 49 CFR 234.225—*Activation of warning system.* RTDC states that the University of Colorado's A Line is anticipated to open for passenger service on April 22, 2016. The grade crossings along that line use a Positive Train Control—(PTC) based Wireless Crossing Activation System (WCAS) to ensure constant warning times to motorists as trains approach. However, the WCAS may not be available for the first 90 days of revenue service. When WCAS is not available, warnings at grade crossings will be activated by a traditional Automatic Train Control (ATC) system with approach and island circuits. At RTDC, this will result in longer than designed warning times. The RTDC states that grade crossing attendants will be present at all grade crossings to ensure that highway traffic, pedestrians, and cyclists are monitored to deter "gate-run-arounds" until the PTC WCAS is fully tested and operational. The grade crossing attendants will meet the requirements established for an Appropriately Equipped Flagger pursuant to 49 CFR 234.5.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.,* Waiver Petition Docket Number FRA–2016–0028) and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by May 23, 2016 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2016–09242 Filed 4–20–16; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2016–0030]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

In accordance with part 235 of Title 49 of the Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this document provides the public notice that by a document dated March 29, 2016, Kansas City Southern Railway (KCS) petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of a signal system. FRA assigned the petition Docket Number FRA–2016–0030.

Applicant: Kansas City Southern Railway, Mr. Steven E. Jones, Director, Signal Operations, 4601 Hillary Huckaby III Avenue, Shreveport, LA 71107.

KCS seeks approval of the discontinuance of Control Point (CP) North Ruliff at Milepost (MP) 740.6, on the Southwest Division, Beaumont Subdivision, Ruliff, TX. KCS will remove the CP and install an intermediate signal, hand-operated switch, and switch circuit controller.

These changes are being proposed due to recovery from catastrophic flooding. CP North Ruliff's signal housing and facing signal were washed away. KCS would like to make these changes permanent due to the fact that the side track at CP Ruliff is a single-ended track and is not used to meet trains.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by June 6, 2016 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, *etc.*). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2016–09244 Filed 4–20–16; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2016–0027]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

In accordance with part 235 of Title 49 of the Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this document provides the public notice that by a document dated November 2, 2015, Norfolk Southern Railway (NS) petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of a signal system. FRA assigned the petition Docket Number FRA–2016–0027.

Applicant: Norfolk Southern Railway, Mr. B.L. Sykes, Chief Engineer, C&S Engineering, 1200 Peachtree Street NE., Atlanta, GA 30309.

NS seeks approval of the discontinuance of the traffic control system (TCS) on the Buffalo Line between Gravity, Milepost (MP) BR 8.3 and Control Point (CP) 5 MP BX 5.8, Buffalo, NY.

These changes are being proposed because train operations in this area no longer support the need for TCS. The Buffalo Line is no longer a through route for NS trains to and from Harrisburg. The line between GJ MP BR 5.7/BX 0.0 and CP 5, owned by CSX Transportation, is currently out of service. The Buffalo Line, south of MP BR 8.8, has been leased by NS to the Buffalo and Pittsburgh Railroad who, along with NS, removed the TCS system south of Gravity under authority of previous application FRA–2013–0144.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by June 6, 2016 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, *etc.*). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2016–09241 Filed 4–20–16; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0047]

Denial of Motor Vehicle Defect Petition

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for a defect investigation.

SUMMARY: This notice sets forth the reasons for the denial of a petition submitted to NHTSA under 49 U.S.C. 30162, requesting that the agency commence a proceeding to determine the existence of a defect related to motor vehicle safety in 2015 Volvo VNL 780 vehicles. After a review of the petition and other information, NHTSA has concluded that further expenditure of the agency's investigative resources on the issues raised by the petition does not appear warranted. The agency accordingly has denied the petition. The petition is hereinafter identified as DP15–006.

FOR FURTHER INFORMATION CONTACT: Mr. Nate Seymour, Medium & Heavy Duty Vehicle Division, Office of Defects Investigation (ODI), NHTSA, 1200 New Jersey Ave. SE., Washington, DC 20590. Telephone: (202) 366–2069.

SUPPLEMENTARY INFORMATION: By letter dated August 7, 2015, Mr. Albert Cusson and Nancy Younger-Cusson wrote to

NHTSA requesting that the agency investigate the issues they previously identified in vehicle owner questionnaires (VOQ) 10701592 and 10747593 filed with the Agency. While the Petitioner's letter did not comply precisely with the requirements for petitions found in 49 CFR 552.4, the Agency is treating it as a petition in accordance with the regulation.

ODI understands these issues to include: Cab sway, cab alignment/bottoming out, and loss of vehicle control due to false triggering of the advanced vehicle safety systems. NHTSA has reviewed the material provided by the petitioners and other pertinent data that the agency gathered as well as test drove the petitioners' vehicle. The results of this review and NHTSA's analysis of the petition's merit is set forth in the DP15–006 Evaluation Report, appearing in the public docket referenced in the heading of this notice.

For the reasons presented in the Evaluation Report, it is unlikely that an order concerning notification and remedy of a safety-related defect would be issued as a result of granting Mr. Albert Cusson and Nancy Younger-Cusson's request. Therefore, in review of the need to allocate and prioritize NHTSA's investigative resources, an investigation on the issues raised by the petition does not appear to be warranted. Therefore, the petition is denied.

Authority: 49 U.S.C. 30162(d); delegations of authority at CFR 1.95 and 501.8.

Gregory K. Rea,

Associate Administrator for Enforcement.

[FR Doc. 2016–08497 Filed 4–20–16; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0049]

Model Minimum Uniform Crash Criteria

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA), in coordination with the Governors Highway Safety Association (GHSA), the Federal Highway Administration (FHWA), and the Federal Motor Carrier Safety Administration (FMCSA), are in the process of reviewing the Guidelines for the Model Minimum Uniform Crash Criteria (MMUCC) Fourth Edition, dated December 2012, and request comments to determine if updates or improvements are appropriate. The MMUCC provides States with a dataset for describing crashes of motor vehicles in transport that generates the information necessary to improve highway safety within each State and nationally. Crash data users may comment on the utility of the current MMUCC guidelines and suggest changes for the next update to MMUCC. Based on the input received in response to this notice, NHTSA and GHSA anticipate issuing draft changes to the Guidelines by fall 2017.

DATES: Comments must be received on or before June 20, 2016.

ADDRESSES: You may submit comments identified by DOT Docket ID number NHTSA–2016–0049 or by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, M–30 U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, 1200 New Jersey Ave. SE., Washington, DC 20590.
- *Hand Delivery or Courier:* Docket Management Facility, M–30 U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, 1200 New Jersey Ave. SE., Washington, DC 20590, between 9 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.
- *Governors Highway Safety Association Web site:* Go to *www.ghsa.org*. Follow the online instructions for submitting comments.

Regardless of how you submit your comments, you should identify the Docket number of this notice.

Note that all comments received in response to this notice at *www.regulations.gov* or *www.ghsa.org* will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please read the "Privacy Act" heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://docketsInfo.dot.gov.*

Confidential Information: If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation. (49 CFR part 512) Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* at any time or to West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Eastern Time, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For programmatic issues: John Siegler, Office of Traffic Records and Analysis, NSA–221, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone (202) 366–1268.

SUPPLEMENTARY INFORMATION: The Model Minimum Uniform Crash Criteria (MMUCC) provides a dataset for describing crashes of motor vehicles in transport that generates the information necessary to improve highway safety within each State and nationally. Statewide motor vehicle traffic crash data systems provide the basic information necessary for effective highway and traffic safety efforts at any level of government—local, State, or Federal. State crash data are used to perform problem identification, establish goals and performance measures, allocate resources, determine the progress of specific programs, and support the development and evaluation of highway and vehicle safety countermeasures. Unfortunately, the use of State crash data is often hindered by the lack of uniformity between and within States.

MMUCC represents a voluntary and collaborative effort to generate uniform crash data that are accurate, reliable, and credible for data-driven highway safety decisions within a State, between States, and at the national level. MMUCC was originally developed in response to requests by States interested in improving and standardizing their State crash data. Lack of uniform reporting made the sharing and comparison of State crash data difficult. Different elements and definitions resulted in incomplete data and misleading results. MMUCC recommends voluntary implementation of a "minimum set" of standardized data elements to promote comparability of data within the highway safety community. It serves as a foundation for State crash data systems. The next planned update of the MMUCC Guideline is scheduled for 2017.

Implementation of MMUCC is a collaborative effort involving NHTSA, the GHSA, FHWA, and FMCSA. Additional information about the MMUCC update can be found on the Governor's Highway Safety Association Web site *www.ghsa.org.* Full text of the current version of the Guidelines (MMUCC Fourth Edition, 2012) can be viewed in the docket or on the National Highway Traffic Safety Administration's Web site at *http://www-nrd.nhtsa.dot.gov/Pubs/811631.pdf.*

Terry T. Shelton,

Associate Administrator for the National Center for Statistics and Analysis.

[FR Doc. 2016–09231 Filed 4–20–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket No. NHTSA–2016–0038]

Reports, Forms, and Record Keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections.

This document describes the collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before June 20, 2016.

ADDRESSES: You may submit comments identified by DOT Docket ID Number NHTSA–2016–0038 using any of the following methods:

Electronic submissions: Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Mail: Docket Management Facility, M–30, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

Hand Delivery: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Fax: 1–(202) 493–2251.

Instructions: Each submission must include the Agency name and the Docket number for this Notice. Note that all comments received will be posted without change to *http://www.regulations.gov* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Amy Berning, Contracting Officer's Representative-Task Order, DOT/NHTSA (NTI–131), 1200 New Jersey Avenue SE., W46–497, Washington, DC 20590. Ms. Berning's phone number is (202) 366–5587 and her email address is *amy.berning@dot.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following: (i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) How to enhance the quality, utility, and clarity of the information to be collected; and (iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. In compliance with these requirements, NHTSA asks for public comment on the following proposed collection of information:

Crash Risk Associated With Drug and Alcohol Use by Drivers in Fatal and Serious Injury Crashes

Type of Request—New information collection requirement.

OMB Clearance Number—None.

Form Numbers—NHTSA–1350, NHTSA–1351, NHTSA–1352, NHTSA–1353, NHTSA–1354.

Requested Expiration Date of Approval—5 years from date of approval.

Summary of the Collection of Information—The National Highway Traffic Safety Administration (NHTSA) seeks to examine the relative crash risk associated with licit and illicit drug use by studying seriously or fatally injured drivers in crashes and matched non-crash-involved drivers. Participants will include seriously injured drivers who are treated in a trauma center or emergency department immediately after a crash. Participants will also include fatally injured drivers who die before or during treatment within the study catchment area. This study will employ a case-control design that matches two drivers not involved in a crash to every crash-involved driver. Control drivers will be selected at or near the location of the crash where a driver was seriously injured or killed. With the greatest accuracy possible, researchers will match control drivers based on crash day of the week, crash time of day, crash direction of travel, and as many other relevant factors as possible.

Data collection will include blood samples from both crash-involved and control drivers. Collection of samples from seriously injured drivers will be subject to State and Trauma Center policies regarding collection of fluid samples for research purposes. Samples from fatally injured drivers will be collected in accord with State, Trauma Center, and/or coroner/medical examiner policies. Researchers may temporarily and securely retain identifying information for seriously or fatally injured drivers to access needed medical or crash records to facilitate control driver matching on factors such as crash time, day, and location. Identifying information will be discarded once the needed data has been obtained and will not be linked to study results in any manner. Control driver participation in the study will be voluntary. No identifying information will be collected from control drivers. Control drivers will also be asked to provide a breath sample to measure breath alcohol concentration.

Self-report surveys will be administered to injured participants, when possible, to collect details about the crash, self-reported drug use, general driving behaviors, relevant lifestyle factors (*e.g.*, fatigue at the time of the crash) and other information deemed important to the study. In the event a seriously injured driver is unconscious after treatment, researchers will return at a later date to collect the information if the driver is capable of consenting and responding. If not, willing next of kin will be substituted if possible. All participating control drivers will be asked to respond to the survey items, and their responses will be anonymous.

Description of the Need for the Information and Proposed Use of the Information—NHTSA's mission is to save lives, prevent injuries and reduce traffic-related health care and other economic costs. The agency develops, promotes and implements educational, engineering and enforcement programs with the goal of ending preventable tragedies and reducing economic costs associated with vehicle use and highway travel. In 2010 and 2011, NHTSA conducted the first large-scale carefully controlled study in the U.S. designed to estimate the relative crash risk associated with drug use by drivers. Using a case-control design, researchers collected information from crash-involved and non-crash involved drivers in Virginia Beach, Virginia. That effort focused on acquiring data at crash sites and resulted in very few seriously or fatally injured drivers entering the sample. As such, it was not possible to assess how drug use was related to driver injuries in the most serious of crashes. Other studies have examined the prevalence of drugs in seriously and fatally injured drivers, but none has used a case-control design such as the one proposed in the current study that will allow for an estimation of risk associated with drug use by drivers seriously injured or killed in a motor vehicle crash. Using the case-control approach in this manner will complete the relative risk assessment for the full range of injury severities using comparable methodologies.

The large sample of seriously and fatally injured drivers gathered by this project using a case-control methodology will lead to a better understanding of the relative crash risk of drug involved driving. The results of this project will assist NHTSA in determining how different drug classes are related to driver safety which will help the Agency provide guidance to the States and Federal Government as each considers policies related to drugged driving.

Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information)—The participant groups being sought include 2,500 crash-involved drivers and at least 5,000 control drivers. Sampling will occur at one or more trauma centers and within the roadway catchment area served by the trauma center(s). Each participant will only respond to the data collection request a single time during the study period.

Estimate of the Total Annual Reporting and Record Keeping Burden Resulting from the Collection of Information—Responding to the entire information request will take approximately 20 minutes per participant. The project anticipates collecting data from 3,750 participants per year. As such, the annual estimated burden hours total is 1,250. There are no record keeping costs to the respondents. Thus, there is no preparation of data required or expected of respondents. Participants do not incur: (a) Capital and start-up costs, or (b) operation, maintenance, and purchase costs as a result of participating in the study.

Authority: 44 U.S.C. Section 3506(c)(2)(A).

Issued in Washington, DC, on April 18, 2016.

Jeff Michael,

Associate Administrator, Research and Program Development.

[FR Doc. 2016–09257 Filed 4–20–16; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Application Of Delux Public Charter, LLC for Commuter Air Carrier Authority

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause (Order 2016–4–13) Docket DOT–OST–2015–0208.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Delux Public Charter, LLC fit, willing, and able, and awarding it commuter air carrier authorization.

DATES: Persons wishing to file objections should do so no later than April 22, 2016.

ADDRESSES: Objections and answers to objections should be filed in Docket DOT–OST–2015–0208 and addressed to Docket Operations (M–30, Room W12–140), U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Shabu Thomas, Air Carrier Fitness Division (X–56, Room W86–469), U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 366–9721.

Dated: April 15, 2016.

Robert Goldner,

Special Counsel to the Assistant Secretary for Aviation and International Affairs.

[FR Doc. 2016–09247 Filed 4–20–16; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 14420

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 14420, Verification of Reported Income.

DATES: Written comments should be received on or before June 20, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Verification of Reported Income.

OMB Number: 1545–2236.

Form Number: Form 14420.

Abstract: The Pilots are aimed at determining the best method for and value of using the Form 1099–K information to identify and treat non-compliance. This is expected to result in the identification of cases of gross receipts underreporting. As a result, this effort will also test treatment streams to allow the IRS to work these cases. One of these treatment streams is a notice process. Requesting the books and records needed to verify the gross receipts discrepancy through a notice process would result in extensive taxpayer burden. Instead, the taxpayer can fill out this form, which requests the minimum information needed for us to refine our analysis of the taxpayer's return and determine if there are any reporting errors/business characteristics that may explain their outlier reported figures.

Current Actions: The Form 14420 was reformatted by adding 'yes/no' response boxes for each item and space for the taxpayer to provide a written response when the item is applicable to the taxpayer. Bulleted items were replaced with numbers making it easier for the taxpayer to respond to specific items. The current form's purpose was added to the instructions box at the top of page 1, which provides transparency. The form provides the taxpayer up to five Forms 1099–K. To benefit taxpayers with up to ten Forms 1099–K, online information was added. The taxpayer has the option of going to *www.IRS.gov* to retrieve their Forms 1099–K filed with the IRS. Due to additions to the Form 1099–K, columns were added to the Form 14420 table to account for 'card not present' (online sales) and 'number of payment transactions.' The form's length remains at three pages. The changes provide clarity, resulting in reduced time and reduced burden on the taxpayer to complete the form and for the tax examiners to review and evaluate taxpayer responses.

Type of Review: Revisions of a currently approved collection.

Affected Public: Businesses and other for-profit organizations, Individuals or Households.

Estimated Number of Respondents: 1,000.

Estimated Time per Respondent: 4 hours.

Estimated Total Annual Burden Hours: 4,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 11, 2016.

Tuawana Pinkston,

IRS Reports Clearance Officer.

[FR Doc. 2016–09295 Filed 4–20–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5227

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 5227, Split-Interest Trust Information Return.

DATES: Written comments should be received on or before June 20, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Martha R. Brinson, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Split-Interest Trust Information Return.

OMB Number: 1545–0196.

Form Number: 5227.

Abstract: Form 5227 is used to report the financial activities of a split-interest trust described in Internal Revenue Code section 4947(a)(2), and to determine whether the trust is treated as a private foundation and is subject to the excise taxes under chapter 42 of the Code.

Current Actions: There is an increase in the paperwork burden previously approved by OMB. Charitable remainder trusts have begun tracking net investment income (NII) received and distributed under section 1411(c). The form was updated to report the tracking of NII receipts and distributions (part II and Schedule A). Charitable remainder trusts (CRT) may elect to apply a simplified NII calculation (reported on part I–B of Schedule A). For charitable remainder trusts that own interests, directly or indirectly, in certain controlled foreign corporations (CFCs) or certain passive foreign investment companies (PFICs), the trust may make a special election to align the NIIT treatment of those CFCs and PFICs with their treatment for regular tax purposes. In addition, the Department estimates an increase of responses based on its most recent data on Form 5227 filings, from 220,000, to 340,000. The form changes and the estimated increase in the number of responses will increase the estimated annual burden hours from 15,152,550 to 33,138,550.

Type of Review: Revisions of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 340,000.

Estimated Time per Respondent: 97 hr., 28 min.

Estimated Total Annual Burden Hours: 33,138,550.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 11, 2016.

Martha R. Brinson,

IRS, Tax Analyst.

[FR Doc. 2016–09297 Filed 4–20–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 13797

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 13797, Tribal Evaluation of Filing and Accuracy Compliance (TEFAC)—Compliance Check Report.

DATES: Written comments should be received on or before June 20, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, (202) 317–5746, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Tribal Evaluation of Filing and Accuracy Compliance (TEFAC)—Compliance Check Report.

OMB Number: 1545–2026.

Form Number: Form 13797.

Abstract: This form will be provided to tribes who elect to perform a self compliance check on any or all of their entities. This is a VOLUNTARY program, and the entity is not penalized for non-completion of forms or withdrawal from the program. Upon completion, the information will be used by the Tribe and ITG to develop training needs, compliance strategies, and corrective actions.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations and State, Local, or Tribal Government.

Estimated Number of Respondents: 20.

Estimated Time per Respondent: 22 hours 20 minutes.

Estimated Total Annual Burden Hours: 447.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 12, 2016.

R. Joseph Durbala,

IRS, Tax Analyst.

[FR Doc. 2016–09293 Filed 4–20–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 8554 and 8554–EP

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8554, Application for Renewal of Enrollment to Practice Before the Internal Revenue Service and Form 8554–EP, Application for Renewal of Enrollment to Practice Before the Internal Revenue Service as an Enrolled Retirement Plan Agent (ERPA).

DATES: Written comments should be received on or before June 20, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to

R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202)317–5746, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Renewal of Enrollment to Practice Before the Internal Revenue Service.

OMB Number: 1545–0946.

Form Number: 8554.

Abstract: The information obtained from Form 8554 relates to the approval of continuing professional education programs and the renewal of the enrollment status for those individuals admitted (enrolled) to practice before the Internal Revenue Service. The information will be used by the Director of Practice to determine the qualifications of individuals who apply for renewal of enrollment.

Title: Application for Renewal of Enrollment to Practice Before the Internal Revenue Service as an Enrolled Retirement Plan Agent (ERPA).

Form: 8554–EP.

Abstract: This form is used to renew your Enrolled Retirement Plan Agent (ERPA) status. You must renew your enrollment status every 3 years.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 96,000.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 48,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 12, 2016.

R. Joseph Durbala,

IRS, Tax Analyst.

[FR Doc. 2016–09263 Filed 4–20–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

National Research Advisory Council; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C., App. 2, that the National Research Advisory Council will hold a meeting on Wednesday, June 8, 2016, in Room 730 at 810 Vermont Ave NW., Washington, DC. The meeting will convene at 9:00 a.m. and end at 3:30 p.m., and is open to the public. Anyone attending must show a valid photo ID to building security and be escorted to the meeting. Please allow 15 minutes before the meeting begins for this process.

No time will be allocated at this meeting for receiving oral presentations from the public. Members of the public wanting to attend, or needing further information may contact Pauline Cilladi-Rehrer, Designated Federal Officer, ORD (10P9), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, at (202) 443–5607, or by email at *pauline.cilladi-rehrer@va.gov.* at least 5 days prior to the meeting date.

Dated: April 18, 2016.

Rebecca Schiller Printz,

Advisory Committee Management Officer.

[FR Doc. 2016–09233 Filed 4–20–16; 8:45 am]

BILLING CODE 8320–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
1985

FEDERAL REGISTER

Vol. 81 Thursday,
No. 77 April 21, 2016

Part II

The President

Proclamation 9425—Education and Sharing Day, U.S.A., 2016
Executive Order 13726—Blocking Property and Suspending Entry Into the United States of Persons Contributing to the Situation in Libya

Federal Register
Vol. 81, No. 77
Thursday, April 21, 2016

Presidential Documents

Title 3—

The President

Proclamation 9425 of April 18, 2016

Education and Sharing Day, U.S.A., 2016

By the President of the United States of America

A Proclamation

Our Nation has long been driven by the promise that anyone willing to work hard can make of their lives what they will, and ensuring opportunity is within reach for all requires us to provide every young person with access to a high-quality education. Our future is written in our classrooms, and on Education and Sharing Day, U.S.A., we reaffirm our belief that no matter who they are, where they come from, or what they look like, every child deserves an education that will help them develop their unique talents and passions, dream beyond their present circumstances, and unlock their greatest potential.

Investing in the education of our daughters and sons is among the best investments we can make as a Nation. My Administration has worked to expand high-quality early education—something that can pay off over a child's entire lifetime—and we have proposed a plan to offer 2 years of free community college to anyone willing to work for it, because in America, a quality education cannot be a privilege reserved for a few. Last year, I was proud to sign the Every Student Succeeds Act—bipartisan legislation that will help prepare more of our young people to seize tomorrow's possibilities. By adopting higher academic standards, increasing accountability for underperforming schools, making testing more efficient, and empowering State and local leaders to develop their own systems for school improvement based on evidence, rather than impose piecemeal solutions to serious problems, this law provides schools across America with the resources and flexibility needed for students to thrive. And earlier this year, I announced Computer Science for All, a collaborative effort to give every child in America the opportunity to learn computer science, and in the time since, a growing coalition of businesses, school leaders, and State and local governments have joined this initiative.

As we continue to build strong foundations for our students here at home, we recognize those around the world who are prevented from obtaining a quality education. That is why my Administration launched the *Let Girls Learn* initiative, spearheaded by First Lady Michelle Obama, to help adolescent girls worldwide get the quality education they need to reach their full potential. Through this campaign, we are helping to break down barriers for girls across the globe and working to shift attitudes and beliefs, affirm the inherent dignity and worth of every child, and harness the power of our society to rise above our present obstacles to forge the future we know is possible.

The advances we have made in education are a result of the many educators, administrators, and advocates who have opened the doors of opportunity for countless young people. Today, we pay special tribute to Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe, for his tireless devotion to extending access to education to more people—regardless of their gender or background. The Rebbe's lifetime of contribution imparts a reminder of the tremendous importance of making sure every child has the tools and resources they need to grow, flourish, and pursue their dreams. On this day, let us carry forward the Rebbe's legacy by recognizing the limitless potential of each young person and empowering the next generation to lead our country, and our world, toward an ever brighter tomorrow.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 19, 2016, as Education and Sharing Day, U.S.A. I call upon all Americans to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2016–09482
Filed 4–20–16; 11:15 am]
Billing code 3295–F6–P

Presidential Documents

Executive Order 13726 of April 19, 2016

Blocking Property and Suspending Entry Into the United States of Persons Contributing to the Situation in Libya

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), section 212(f) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(f)), and section 301 of title 3, United States Code,

I, BARACK OBAMA, President of the United States of America, hereby expand the scope of the national emergency declared in Executive Order 13566 of February 25, 2011, finding that the ongoing violence in Libya, including attacks by armed groups against Libyan state facilities, foreign missions in Libya, and critical infrastructure, as well as human rights abuses, violations of the arms embargo imposed by United Nations Security Council Resolution 1970 (2011), and misappropriation of Libya's natural resources threaten the peace, security, stability, sovereignty, democratic transition, and territorial integrity of Libya, and thereby constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. To address this threat, and in view of United Nations Security Council Resolutions 2174 of August 27, 2014, and 2213 of March 27, 2015, I hereby order:

Section 1. (a) All property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in: any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

(i) to be responsible for or complicit in, or to have engaged in, directly or indirectly, any of the following:

(A) actions or policies that threaten the peace, security, or stability of Libya, including through the supply of arms or related materiel;

(B) actions or policies that obstruct, undermine, delay, or impede, or pose a significant risk of obstructing, undermining, delaying, or impeding, the adoption of or political transition to a Government of National Accord or a successor government;

(C) actions that may lead to or result in the misappropriation of state assets of Libya; or

(D) threatening or coercing Libyan state financial institutions or the Libyan National Oil Company;

(ii) to be planning, directing, or committing, or to have planned, directed, or committed, attacks against any Libyan state facility or installation (including oil facilities), against any air, land, or sea port in Libya, or against any foreign mission in Libya;

(iii) to be involved in, or to have been involved in, the targeting of civilians through the commission of acts of violence, abduction, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or through conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law;

(iv) to be involved in, or to have been involved in, the illicit exploitation of crude oil or any other natural resources in Libya, including the illicit production, refining, brokering, sale, purchase, or export of Libyan oil;

(v) to be a leader of an entity that has, or whose members have, engaged in any activity described in subsections (a)(i), (a)(ii), (a)(iii), or (a)(iv) of this section;

(vi) to have materially assisted, sponsored, or provided financial, material, logistical, or technological support for, or goods or services in support of (A) any of the activities described in subsections (a)(i), (a)(ii), (a)(iii), or (a)(iv) of this section or (B) any person whose property and interests in property are blocked pursuant to this order; or

(vii) to be owned or controlled by, or to have acted or purported to act for or on behalf of, any person whose property and interests in property are blocked pursuant to this order.

(b) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the date of this order. The prohibitions in subsection (a) of this section are in addition to export control authorities implemented by the Department of Commerce.

Sec. 2. I hereby find that the unrestricted immigrant and nonimmigrant entry into the United States of aliens determined to meet one or more of the criteria in section 1(a) of this order would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants or nonimmigrants, of such persons. Such persons shall be treated as persons covered by section 1 of Proclamation 8693 of July 24, 2011 (Suspension of Entry of Aliens Subject to United Nations Security Council Travel Bans and International Emergency Economic Powers Act Sanctions). Further, United Nations Security Council Resolution 2174 shall be treated as a Resolution listed in Annex A of Proclamation 8693.

Sec. 3. I hereby determine that the making of donations of the type of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to section 1 of this order would seriously impair my ability to deal with the national emergency declared in Executive Order 13566 and expanded in this order, and I hereby prohibit such donations as provided by section 1 of this order.

Sec. 4. The prohibitions in section 1 of this order include but are not limited to:

(a) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order; and

(b) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 5. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 6. For the purposes of this order:

(a) the term "person" means an individual or entity;

(b) the term "entity" means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization; and

(c) the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

(d) the term "Government of National Accord or a successor government" means:

(i) a Government of National Accord formed pursuant to the terms of the Libyan Political Agreement signed in Skhirat, Morocco, on December 17, 2015, or any amendments thereto;

(ii) a governmental authority formed under the Libyan Constitution pursuant to the terms of the Libyan Political Agreement signed in Skhirat, Morocco, on December 17, 2015, or any amendments thereto;

(iii) any subdivision, agency, or instrumentality of the foregoing, and any partnership, association, corporation, or other organization owned or controlled, directly or indirectly, by, or acting for or on behalf of, the foregoing; or

(iv) any other person determined by the Secretary of the Treasury to be included within paragraphs (a) through (c) of this section.

Sec. 7. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render those measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 13566 and expanded in this order, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

Sec. 8. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the UNPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 9. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,
April 19, 2016.

[FR Doc. 2016–09483
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